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**REPORT**  
*of*  
**Frank Farrington**  
**President**  
*District Number Twelve*  
**United Mine Workers**  
**of America**



**Twenty-Ninth Consecutive  
and Fourth Biennial Convention  
Peoria, November 8, 1921**

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President

District Number Twelve

United Mine Workers  
of America

Twenty-ninth Consecutive  
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Peoria, November 8, 1921

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To the Delegates Composing the Twenty-Ninth Consecutive and Fourth Biennial Convention, United Mine Workers of America, District Number Twelve.

### GREETING:

Again it is my privilege to report to you concerning the affairs of our Union.

In preparing my report I have mentioned only such matters as in my judgment should be brought to your attention so that you may be informed and prepared to design such rules as may be necessary to promote and perpetuate our Union.

### Work of District Officers.

For the period extending from January 1, 1919 to July 1, 1921 we had 42 Joint Board meetings with the representatives of the Illinois Coal Operators Association. These 42 meetings took up 96 days of our time and resulted in the disposition of 910 disagreements arising out of our wage agreement, which the field workers had been unable to settle in the field.

We also had 16 Joint Board meetings with the representatives of the 5th and 9th Districts Coal Operators Association, which took up 63 days of our time and during which 565 cases were disposed of. We also had 7 meetings with the representatives of the Central Illinois Coal Operators Association, which took up 17 days of our time and during which 148 disagreements were disposed of.

Taking into account all the meetings held with the three Operators Associations mentioned we attended 65 Joint meetings which took up 176 days of our time and during which 1623 disputes arising out of our wage agreement, and which could not be settled in the field, were disposed of.

During this same period 1155 disputes arising in mines under the jurisdiction of the Illinois Coal Operators Association and 796 arising in mines under the jurisdiction of the 5th and 9th Districts Coal Operators Association and 288 arising in mines under the jurisdiction of the Central Illinois Coal Operators Association were handled by your district representatives and settled in the field with the various operators commissioners.

Considering the cases settled with the operators commissioners and those disposed of by the Joint Board 3862 disputes as to wages and working conditions were disposed of by your district officers. These 3862 cases do not take into account the innumerable disputes that were settled by your district, sub-district and local officers without getting to the operators commissioners.

During this same time we had 38 meetings of your District Executive Board which took up 75 days of our time and during which 1875 internal disputes, appeals and grievances and constitutional questions and organization policies were passed upon. In the meantime we have attended wage scale conferences and conventions, answered the wants of many committees and individual members who have visited the district office seeking counsel and advice and we have devoted much time to addressing our members, to attending to a voluminous correspondence and to a multiplicity of duties in the office and in the field.

### **Cost of Running District Organization.**

For the two and one-half years beginning January 1, 1919 and ending July 1, 1921 there was expended for all administrative purposes, namely salaries and expenses of all elective officers, scale committeemen, and all appointed field and office workers, excepting those employed in the Legal Department, office expense, printing, supplies, telephone, telegraph, postage, express and rent and all other expense necessary to the successful operation of the District Organization, a total of seven hundred and twenty-eight thousand, one hundred and eight dollars and ninety-eight cents (\$728,108.98).

Considered in the aggregate this seems to be an enormous amount to expend for administrative purposes, but an analysis reveals that the cost was but eight dollars and twenty-one cents (\$8.21) per member for the period covered, or at the rate of three dollars and twenty-eight cents (\$3.28) per member per year, which is but ~~twenty-six cents~~ (26c) per member more than it cost to pay our death indemnity claims for the same period.

### **Indemnity Paid Account Deceased Members.**

For the period of two and one-half years beginning January 1, 1919 and ending with July 1, 1921, there was paid out of your District Treasury on account of deceased members of the District Organization, a grand total of six hundred and sixty-nine thousand five hundred and fifty dollars (\$669,550.00). This was done at a per capita cost to our membership of seven dollars and fifty-five cents (\$7.55) for the full period stated, or at a cost of three dollars and two cents (\$3.02) per member per year.

The practice of paying the indemnity provided for in section 24, article 19 of our District Constitution is a rule with which all should be pleased. The cost to our membership is infinitesimal and the practice insures to every member, of thirty days membership in our District Union, a decent burial in the event of death while a member of this district.

However, it has come to my attention that some of our members draw their transfer cards and go into other districts to work but refuse to deposit their cards in the other districts until the card is

nearly lapsed. Under our International Law a member drawing a transfer card is regarded as being a member of the local issuing the card until it is lapsed or deposited with another local. Consequently a member leaving this district with a card in his possession can go into a sparsely organized district and work, but by refusing to deposit his card he would still be regarded as being a member of this district for a period of three months after going to work in the other district and in the event of death any time during the three months this district would be obligated to pay the death indemnity, notwithstanding the member was employed in another district at the time of death. To allow this is an injustice to the men who are trying to organize sparsely organized districts and an imposition on the members of this district. Therefore, I recommend that the proper section of our Constitution be so amended as to prevent this practice.

### **Cost of Legal Department.**

From January 1, 1919 to July 1, 1921, a period of two and one-half years, the total operating cost of your Legal Department was two hundred and nineteen thousand five hundred and ninety-one dollars and ninety-nine cents (\$219,591.99). This means that the operating cost for the entire period mentioned was two dollars and forty-seven cents (\$2.47) per member or less than one dollar (\$1.00) per member per year. The amount paid out for this purpose included the salaries and expenses of all attorneys, investigators and office employees and all office and field expense, in fact every item of expense incident to the successful operation of your Legal Department.

The service rendered to individual members and their dependents in the way of important court decisions secured by our attorneys and compensation collected cannot be accurately calculated. However, an idea of the service rendered can be gained from the knowledge that since the Workmen's Compensation Act became effective on May 1, 1912 and up to the end of the year 1920, but not including the years of 1914 and 1916, for which years no statistics are available, a grand total of two hundred and nine thousand one hundred and ninety-four (209,194) accidents were reported to the Industrial Board as having occurred in all lines of industry in the state. For these accidents there was paid as compensation a grand total of twenty-eight million fifty-three thousand nine hundred and seventy-three dollars and fifty cents (\$28,053,973.50). Of the grand total of all accidents that occurred during the period stated but thirty-six thousand six hundred and sixty (36,660) of them occurred in coal mines, yet of the grand total of compensation paid seven million two hundred and four thousand four hundred and seventy-one dollars and ninety-eight cents (\$7,204,471.98) of the total amount was paid on account of coal mining accidents.

These figures should command your sober thought and deductions. They stand out in bold relief as silent, invincible proof of

the efficacy of your Legal Department and they bespeak in stentorian tone the value and power of your District Organization, without which you could not have a Legal Department, and they tell of the creative power and genius of those who have brought your Legal Department to its present standard of efficiency.

### **Legal Department.**

Under this caption I present a report prepared by your Chief Counsel, Mr. A. W. Kerr, concerning the work and activities of your Legal Department. I commend it to you for your serious thought and careful examination. It reveals to a certain degree the wonderful results accomplished for our members through the Legal Department. His report follows:

“Mr. Frank Farrington, President,  
District No. 12, U. M. W. of A.,  
Springfield, Illinois.

Dear Sir:

In response to your request for a report of the work of the Legal Department, I beg leave to submit the following:

### **Compensation Cases.**

At the outset of a discussion of this phase of the work of the Legal Department, it is proper to admit a state of vexatious delay in the hearing and determining of the cases. This delay was brought about by causes which could not be removed, even with the most diligent efforts of all the members of the Legal Department. Sometimes it was felt that we went beyond the judicious point in our protests and appeals. One of the most prolific causes for delay was in the court reporter system. As is well known, one reporter can not transcribe, successfully, the shorthand notes of another. As in all walks of life, some reporters were diligent and others were not. Some were possibly assigned more work than others. At any rate the hearing of cases upon review, under the law, could not be held until a transcript of the testimony taken before the Arbitrator was furnished by the reporter. The Industrial Commission was powerless. If they discharged a reporter, there was no way of getting the testimony at all except by an appeal to the good nature of the reporter. The same was true if he resigned or was sick, and much difficulty was found in attempting to get the law changed so as to avoid this serious cause of delay. At the last session of the Legislature it was provided that if for any reason the transcript was not furnished within thirty days of the filing of the petition for review, that the Industrial Commission might, upon the review hearing, hear all the testimony over again.

We feel that the situation is now such that we are justified in demanding that cases taken to the Commission upon review shall be heard every thirty days at fixed periods. Delay in these cases makes for the advantage of the employer and brings about suffering on the part of the injured employe. One of the arguments for the Compensation Law was that it obviated the delay of the common law remedy for seeking damages for injuries suffered in industrial conduct. The Act has a plain provision for a penalty to be applied for unwarranted delay in the payment of compensation. This penalty has not been applied.

There was for a time a decided drop in the amount of the awards of the Arbitrators and decisions of the Industrial Commission based in part, in my opinion, upon a determined and aggressive campaign of propaganda promulgated by the operators of this State that too much compensation was awarded against them. The peculiar thing about this propaganda was that it emanated largely from operators who were paying very much less than other operators who went along and were willing to pay men injured in the coal industry their proper compensation. We are meeting this propaganda by every effort in our power. If the Operators of Illinois are now paying many times more than they did for these industrial accidents, it is not because they are paying more than they ought to under the law, but for the reason that heretofore their payments were grossly inadequate. It is much like the story of the report by the representative of a minority political party that the vote in his precinct for his party had increased six hundred percent. When the inquiry was made as to what the vote was the year before, it was reported as one.

It never was intended that this law was to be construed harshly against the injured employee. It was intended to have a fair and liberal construction and interpretation. Some employers complain bitterly that the word of the injured employee is taken rather than that of their professional medical experts. One has but to quote the opinion of a learned Justice of our own Supreme Court to ascertain what the courts think of the medical expert:

‘It was said by a distinguished judge, in a case before him, if there was any kind of testimony not only of no value, but even worse than that, it was, in his judgment, that of medical experts. They may be able to state the diagnosis of the disease more learnedly, but, upon the question whether it had, at a given time, reached such a state, that the subject of it was incapable of making a contract, or irresponsible for his acts, the opinion of his neighbors, if men of good, common sense, would be worth more than that of all the experts in the country.’

(Rutherford and Wife v. Morris, et al, 77th Ill., Sup. Ct. 405.)

This applies with equal force to personal injuries, which result in incapacity to work.

The delay mentioned above can not and ought not be chargeable to the Legal Department, unless they fail to exercise every effort possible to secure speedier trial. I believe that all the members of the Department have gone as far as they can to exert pressure that will remedy this condition. I am quite hopeful of results.

### **Appeals.**

In line with what has been said above, there may be recorded an increasing burden of work in the review of the compensation cases in the Appellate tribunals. An increasingly great number of the cases are taken up upon review from the decision of the Arbitrator. A greater number of cases are being taken to the Circuit Court and Supreme Court. The membership ought to understand that these appeals can not be prevented by the Legal Department. The law provides for them, and any rights given in the law can not be denied to the parties interested. I think I am within the truth when I say that we win nine out of ten cases that are taken to the Circuit Court, and that we win more than seventy-five percent of those taken to the Supreme Court, but we can not stop the appeal being taken, nor the consequent delay. All this review work has added a burden upon the shoulders of the lawyers working for the Organization. They have met this burden cheerfully and performed the work well.

### **Correspondence Between Members and Attorneys.**

Complaints are numerous that the attorneys do not more promptly advise members of the Organization when their cases will be heard, and the results after hearing. It ought to be said to the membership that the attorneys can not advise the member when the case will be set down nor heard until receipt of notice in the case from the Industrial Commission. I can say this, that these notices, when received, have always been immediately transmitted to the member interested. The same is true after a case is tried. We can not advise the member of the result until it is made known to us by the Industrial Commission. There has in the past been much delay about this—a delay in no instance chargeable to the Legal Department for the reason that upon the very day that the decision comes to the office of the attorney it is mailed out to the member.

### **Amount of Compensation Collected.**

I have sought in the foregoing part of my report to analyze some of the reasons for delay and complaint. I now desire to call attention to some of the accomplishments of your District

Organization in securing compensation for the widows and children of members killed in the industry, and for the injured. I feel warranted in saying that no District Organization in America may show as good a record of accomplishment in this behalf. It ought to silence the few in the state who yet say that the Compensation Act is not as good as the old law, and who say that the District Organization is not upon its toes, always, in efforts to secure results for the membership. So that it may not be chargeable that we have prepared the figures, I am giving those prepared in the office of the Industrial Commission itself. The figures for the years 1914 and 1916 do not seem to be available.

## WORKMEN'S COMPENSATION ACT, EFFECTIVE MAY 1, 1912.

Summary of Accident and Compensation Paid from that date to  
December 31, 1920.

May 1, 1912 to December 31, 1912.

1912.

Total Number of Accidents Reported	Fatal	Non-Fatal	Total Paid
8,913	183	8,730	\$ 524,126.47
Coal Mining	Fatal	Non-Fatal	Total Paid
400	12	388	\$ 34,534.00

1913.

Total Number of Accidents Reported	Fatal	Non-Fatal	Total Paid
17,676	352	17,324	\$ 1,148,025.03
Coal Mining	Fatal	Non-Fatal	Total Paid
951	40	911	\$ 11,426.98

1914.

(No Statistics Available)

1915.

Total No. Accidents Reported	Fatal	Non- Fatal	Compensation Paid	Medical and Funeral	Total Paid
18,724	371	18,353	\$1,075,287.00	\$217,448.00	\$1,292,735.00
Coal Mining	Fatal	Non- Fatal	Compensation Paid	Medical and Funeral	Total Paid
1,793	10	1,783			\$ 113,746.00

1916.

(No Statistics Available)

1917.

Total No. Accidents Reported	Fatal	Non- Fatal	Compensation Paid	Medical and Funeral	Total Paid
36,760	492	36,268	\$2,975,470.00	\$393,524.00	\$3,368,994.00
Coal Mining	Fatal	Non- Fatal	Compensation Paid	Medical and Funeral	Total Paid
3,980	104	3,876	\$ 397,906.00	\$ 45,545.00	\$ 443,451.00

1918.

Total No. Accidents Reported	Fatal	Non- Fatal	Compensa- tion Paid	Compensa- tion to be Paid	Medical and Funeral	Total Paid
38,247	629	37,618	\$3,399,243	\$1,747,252	\$497,691	\$5,644,186
Coal Mining	Fatal	Non- Fatal	Compensa- tion Paid	Compensa- tion to be Paid	Medical and Funeral	Total Paid
8,490	220	8,270	\$ 967,050	\$ 635,279	\$100,170	\$1,702,499

1919.

Total No. Accidents Reported	Fatal	Non- Fatal	Compensa- tion Paid	Compensa- tion to be Paid	Medical and Funeral	Total Paid
38,289	535	37,754	\$3,683,918	\$2,556,631	\$544,649	\$6,785,198
Coal Mining	Fatal	Non- Fatal	Compensa- tion Paid	Compensa- tion to be Paid	Medical and Funeral	Total Paid
7,797	145	7,652	\$ 954,072	\$ 821,610	\$ 90,880	\$1,866,562

1920.

Total No. Accidents Reported	Fatal	Non- Fatal	Compensa- tion Paid	Compensa- tion to be Paid	Medical and Funeral	Total Paid
50,585	597	49,988	\$5,143,300	\$3,415,498	\$731,911	\$9,290,709
Coal Mining	Fatal	Non- Fatal	Compensa- tion Paid	Compensa- tion to be Paid	Medical and Funeral	Total Paid
13,249	171	13,078	\$1,534,057	\$1,370,521	\$127,675	\$3,032,253

Grand Total, Accidents Reported .....	209,194
Grand Total, Fatal Accidents .....	3,159
Grand Total, Non-Fatal Accidents.....	206,035
Grand Total, Paid .....	\$ 28,053,973.50
Grand Total, Accidents Coal Mining.....	36,660
Grand Total, Fatal Accidents .....	702
Grand Total, Non-Fatal Accidents .....	35,958
Grand Total, Paid .....	\$ 7,204,471.98

In the figures given above for the years preceding July 1, 1917, no account is taken of the amounts collected by court proceedings. The Act prior to that time was not compulsory and many of the mining companies did not elect to come under the Act. However, from the figures given in previous reports, the amounts collected under the old law were pitifully small as compared with the amounts under the Compensation Act. It may be truthfully said that were it possible to have had the Compensation Act compulsory from the date of its inception, several millions of dollars more would have been paid to the widows and children of Illinois Miners and to those injured.

It will be seen from the foregoing that the miners have collected more than their proportion of the compensation, but as was said in the former report, this does not mean that the miners have received more compensation than they were entitled to. It is evidence of two things:

First, the injured employee who does not press his claim with the weight of an intelligently conducted organization behind him does not fare so well.

Second, that District Twelve of the United Mine Workers of America is functioning for its membership.

### **Compensation Legislation.**

It is but a truthful statement of a fact, acknowledged by every union man in Illinois, that the miners' District Organization has taken the lead in securing improvements to the Compensation Act. Until this year even the Organizations of the building trades have paid but scant attention to the Act. These Organizations are interested to about the same extent as the miners in point of membership.

I have prepared a table showing the increases and improvements in the Act from year to year. A careful examination of this table will, I am sure, convince anyone of the betterments made in the Act during the ten years it has been in force.

	1911	1913	1915	1917	1919	1921	REMARKS
Minimum in Fatal Cases	\$1,500.00	\$1,500.00	\$1,650.00	\$1,650.00	No. Children Under 16: None .....\$1,650.00 1 ..... 1,750.00 2 or more.. 1,850.00	Same	
Maximum in Fatal Cases	\$3,500.00	\$3,500.00	\$3,500.00	\$3,500.00	No. Children Under 16: None .....\$3,500.00 1 ..... 3,700.00 2 or more.. 4,000.00	No. Children Under 16: None .....\$3,750.00 1 ..... 4,000.00 2 or more.. 4,250.00	
Minimum Weekly in Non-Fatal Cases	\$5.00	\$5.00	\$6.00	\$6.00	No. Children Under 16: None .....\$ 7.00 1 ..... 8.00 2 ..... 9.00 3 or more.... 10.00	No. Children Under 16: None .....\$ 7.50 1 ..... 8.50 2 ..... 9.50 3 or more..... 10.50	The 1919 Act applied to children under sixteen only so long as they were under sixteen. The 1921 Act applies to number of children under sixteen and is not changed by death of child or its reaching sixteen.
Maximum Weekly in Non-Fatal Cases	\$12.00	\$12.00	\$12.00	\$12.00	No. Children Under 16: None .....\$12.00 1 ..... 13.00 2 ..... 14.00 3 or more.... 15.00	No. Children Under 16: None .....\$14.00 1 ..... 15.00 2 ..... 16.00 3 or more..... 17.00	The 1919 Act applied to children under sixteen only so long as they were under sixteen. The 1921 Act applies to number of children under sixteen and is not changed by death of child or its reaching sixteen.
Waiting Period (Meaning no compensation during 1st week)	1 week	1 week	1 week	1 week	Pays for first week where disability lasts four weeks.	Pays for first week where disability lasts four weeks.	
Specific Schedule	None	No. of weeks fixed for loss of member	Same	Same	Same	Same	
Surgical, Medical, Hospital	\$200.00 8 weeks limit	Same	Same	Same	Unlimited where in Hospital	Same	
Percentum of Average Weekly Wage	50% in all cases	Same	Same	Same	No. Children Under 16: None .....50% 1...55% 2...60% 3 or more.....65%	Same	
Act Elective as to all Employers	Yes	Yes	Yes	Compulsory as to Hazardous Occupations	Same	Same	

The amendments setting out the changes enumerated in the foregoing table were accomplished through the agency of a joint committee composed of representatives of employers and employees. When agreed upon by this commission, the bill has heretofore had comparatively easy sailing in the Legislature. The 1921 attempt at an agreement was not so easy, however. The Coal Operators of the State sat in this conference for a number of meetings, and when they saw the character of the amendments that were likely to be agreed upon they withdrew from the conference. The Coal Operators had introduced into the Legislature through Senator John Dailey of Peoria, Senate Bill No. 273. Among the amendments offered in this bill are these:

1. Providing that upon the re-marriage of a widow the portion of the death benefit ordered to be paid to her shall cease and also excluding from the benefit of the Act alien beneficiaries residing abroad. Also excluding aliens residing in the United States after the time within which they might have become naturalized citizens. This amendment would not only have been a plain and gross injustice to the aliens in question but would have been an invitation to the employers of the state to employ none but aliens in the hope of thus lessening the compensation to be paid.

2. Denying compensation for the first week where the disability lasts for four weeks or more.

3. By seeking to take into account pre-existing disease in determining the want of capacity to work, resulting from an injury. This proposed amendment is vicious in the extreme. It would compel the physical examination of every workman before he re-entered the employment. It would fix a standard of physical perfection. It would discriminate against the physically weak—the very man who now goes through life with a great handicap. It would punish him who was unfortunate enough not to be born with a strong constitution or him who through poverty or other causes had not been well nourished in his youth.

4. Provided for physical examination of an injured employee before commencing work.

5. Provided that all settlements made by parties who are competent to contract and made without fraud shall be binding. This was a particularly vicious proposal. It would remove from the Act every last vestage of the principles which called the Compensation Law into being in the various countries. It was notorious under the old law that the pressing necessities of the widow and injured employee drove them to make unconscionable settlements. Many other causes not here necessary to state made for cheap settlements. It is the most conservative kind of a

statement to say that had this one amendment succeeded, it would have cut in half the compensation paid to the Illinois miners.

6. Requiring that notice of the accident be given 'in writing'.

7. By providing that no reports made under the law should be admissible in evidence.

In obedience to your instructions, the foregoing amendments and others offered by the Operators were opposed with all the strength and influence of the District Organization and its officers. They were all defeated.

In pressing our bill, Senate Bill No. 222, we were handicapped by the situation that its introducer, Senator John Dailey of Peoria, was also the introducer of Senate Bill No. 273. He was the Chairman of the Judiciary Committee of the Senate. He it was who selected the sub-committee who considered these matters. He appointed as chairman of that sub-committee Senator John Turnbaugh, who, if he ever has done an act in the interest of the laboring men of Illinois, has carefully concealed it.

You may, therefore, report to the Convention with a great deal of pleasure, and pride in the work of your Organization, the defeat of all the foregoing proposals and the passage of the agreed Bill practically unimpaired. The fight was bitter and vicious. Much more even than this might be said about the character of the fight that was waged against us.

### **Other Legislation.**

A few amendments were made to the Mining Law.

The Old Age Pension Bill could not be taken out of the Committee. Perhaps the after-war world wide conditions had as much to do with this failure as anything.

### **Amendments to the Compensation Act.**

Among those of advantage to the miners secured at this session of the Legislature may be enumerated the following:

1. The maximum in each of the death case classes has been increased \$250.00.

2. That maximum now being \$3,750 with a widow and no child, \$4,000 with a widow and one child, \$4,250 with a widow and two or more children under sixteen.

3. The minimum provided under the Act has been increased fifty cents a week and the maximum \$2.00 a week. The maximum now being \$14.00 per week for an employee without

any child, \$15 for one child, \$16 for two children and \$17 a week for three or more children under sixteen years of age, in the place of \$12, \$13, \$14 and \$15. This maximum is of particular concern to the miners, as by reason of the 'two hundred day' and the 'gross earnings' provisions of the Act, practically every miner, aside from those in the extreme northern field, and all day men, are entitled to the maximum.

4. The provision that compensation should be reduced where a child since the injury reached the age of sixteen or died was stricken out and it now depends on the number of children at the age of sixteen at the date of the injury.

5. The provision permitting the Industrial Commission to review cases on entirely new evidence where the reporter fails to get his testimony written up. This amendment is an important one as I believe it will stop up an avenue of delay.

There were a number of other minor amendments.

### Court Decisions.

At the time of making my last report to you I was able to report that the Supreme Court had decided in our favor the 'two hundred day' clause, which was to the effect that in computing the average annual earnings of miners for the purposes of the Compensation Act, two hundred days should be used, rather than the number of days actually worked. I think I reported to you that we had two favorable decisions from Circuit Judges, to the effect that in computing earnings as a basis of compensation, **gross earnings** rather than **net earnings** should be used. This principle has now been established by the Supreme Court in a case tried by your Legal Department, and now, for miners, we are permitted in arriving at their annual earnings, to use their gross income without deductions for powder, fuse, smithing, union dues, fines or assessments. The importance of this victory will be at once apparent to the miners working in districts requiring a great deal of powder.

I commend again the wisdom of the employment of investigators, and I am glad to record the faithful performance of their duties by them. The attorneys employed have brought to the performance of their tasks, ability, honesty and perseverance.

The District officers and Executive Board have given to the Department, and its work, assistance of the intelligent and helpful variety.

Respectfully submitted,

Signed A. W. KERR."

### Constitutional Amendments.

I recommend that section 6, article 8 be amended by adding the following language thereto: "The interpretation of the District Executive Board shall be final and binding until reversed by a Constitutional District Convention."

That section 13 of article 8 be amended by adding the following language thereto: "Except in cases where a regular district convention authorizes him to do otherwise."

That the words "defense fund" be stricken out of section 23, article 8 and that the word "funds" be substituted instead.

Add a new section to article 8 to read as follows: "The District Secretary-Treasurer and the District Executive Board being, by virtue of this constitution, the accredited custodians of all moneys and property accumulated by and belonging to the membership of District No. 12, no authority other than the membership of District No. 12 shall be allowed to invade, impair or hamper the right of the before mentioned officers of District No. 12 to act as such custodians or to interfere with their right as the accredited officers of this district to collect money and to acquire property for District No. 12 and to disburse and dispose of the same as provided in this Constitution."

That section 7, article 10 be amended by striking out "\$1.00" and inserting instead "\$1.50" and so as to allow a local to assess its members upon the conditions that at least 6 days notice is posted in a conspicuous place notifying the members that the matter of levying the assessment will be considered at a certain meeting of the local union and that two-thirds of all members attending the meeting vote in favor of paying the assessment.

That section 8, article 10 be amended so as to provide that each local union shall collect and send its per capita tax direct to the International Union.

That section 3, article 11 as it now reads be stricken out and that it be substituted by the following language: "All members in good standing with the District Organization on the date of the election shall be allowed to vote."

That all the language after the word "contest" on line 8 of section 23, article 11 be stricken out.

Add a new section to article 13 to be known as section 3 and to read as follows: "Considering that the officers of this district are elected by and accountable to the members of this district, no authority outside of that provided in this Constitution shall be allowed to suspend or remove them from office or hinder them in the performance of their duties as defined in this Constitution."

Strike out all the language after the word "officers" on line 3 and up to and including the word "thereby" on line 16 of the second paragraph of section 1, article 14.

Strike out all of section 2, article 14.

### **Co-operative Movement.**

Like all other institutions the co-operative movement has been affected by the great industrial depression prevalent throughout the country, and indeed the world, since the ending of the world war. However, I am happy to report that the movement has weathered the stress of adversity and is now on the way to sure recovery.

In the communities where stores are established, under the plan approved by our last Convention, they have proved to be of substantial benefit to those who patronize them. The practice of co-operation in the purchase of the necessities of life is too well understood by our members to need any detailed explanation by me. Suffice is to say that it is the workers movement, next in importance to the organized labor movement and should be patronized to the fullest possible extent by our members.

To reduce the cost of living is equal to increasing wages and where both are done the workers reap the true fruits of their organized efforts. Our members gladly strike and stoically endure the rigors entailed thereby to secure an increase in wages. To co-operate in buying brings the same result and entails no suffering. This being true why should we hesitate in doing our part to build up the co-operative movement? If our members are so situated that they cannot buy all their necessities in the co-operative store they should at least buy some of them there and as circumstance permits they should do everything possible to help themselves by patronizing and boosting the co-operative movement.

### **Increase in Wages Paid Shift Hands.**

As a matter of record in connection with the increase of one dollar and fifty cents (\$1.50) per day that was secured for all shift hands and monthly men, beginning August 16, 1920, and concerning other modifications made in our wage agreement beginning with that date I am herein quoting two official circulars that were issued to our membership, the first of which reads as follows:

“Springfield, Ill., July 16, 1920.

TO THE OFFICERS AND MEMBERS, DISTRICT TWELVE,  
UNITED MINE WORKERS OF AMERICA.

Greeting:

For some time we, your District Officers, have been working to bring the Illinois Operators into a conference to give consideration to the matter of amending our present wage agreement in certain respects. Our efforts finally resulted in the operators agreeing to meet with us in Chicago on July 14th. We spent two days in this conference which was attended by representatives of all three operators associations in this State. During this Conference we insisted that the operators must agree to change our present wage agreement so as to give

all shift hands and monthly men a much higher wage than is now paid and that the penalty clause in the agreement must be changed so as to remove its present automatic feature. We also made it clear that black powder and permissible explosives must be furnished at a price that is reasonable and satisfactory to the mine workers of Illinois.

On July 15th the operators asked that time be allowed for them to have a meeting of their own on Monday, July 19th, after which they promise to inform us as to what their position will be concerning these demands.

We cannot, of course, at this time predict what their position will be but we shall keep you informed as to developments.

As for us, we have initiated the movement for these improvements in our wage agreement because we know they are right and necessary. In just what direction our efforts will take us or just what means we may have to employ we cannot now say but we are determined, in junctions and indictments notwithstanding, to use every power and influence at our command to secure their attainment.

Yours very truly,

Frank Farrington, President  
Harry Fishwick, Vice-President  
Walter Nesbit, Secretary-Treasurer."

The above circular is self explanatory and speaks for itself. The other circular reads as follows:

"Springfield, Ill., August 28, 1920.

TO THE OFFICERS AND MEMBERS, DISTRICT NO. 12,  
UNITED MINE WORKERS OF AMERICA.

Greeting:

By official circular issued under date of July 16th you were notified that your District officers had initiated a movement to secure certain modifications in our District Wage Agreement, namely a much higher wage scale for day and monthly men, a reasonable powder price and the removal of the automatic feature of our penalty clause.

Our action seemed to meet with general acclaim on the part of our membership. However, powerful influences outside and within our Union set about to prevent our success. Much to our surprise and without consulting with us, International President Lewis, instead of aiding us, publicly threatened to call a strike of bituminous miners if the Illinois operators granted us any modifications in our wage agreement.

When President Wilson appealed to the miners to return to work, President Lewis termed the appeal 'a stinging rebuke to

such men as Frank Farrington' and he designated your and our action as 'a stain on the proud record of our Union.' Our International Vice-President issued a circular in which he said he was suspicious of our action. We were scored mercilessly by the press of the country and some of our own members said we were playing politics while others said we were in a conspiracy with the operators to boost the price of coal, all of which was discouraging and heart sickening and at times made it seem to us that we must fail. Add to this the fact that we are now under \$10,000 bond and must stand trial on a charge that we violated the injunction issued by Judge Anderson last November, which injunction is still in effect, and the further fact that we are now under an additional \$10,000 bond and must stand trial before Judge Anderson on a charge that we are in a conspiracy with the coal operators and you will understand some of the difficulties under which we had to labor to win success.

This combination of adverse elements and interfering influences compromised us to a more or less degree in that they resulted in President Wilson placing definite restrictions around our authority to negotiate for improvements in our agreement. These restrictions were made clear when he stated that after the miners had returned to work he would request the miners and operators to convene in joint wage scale conference to 'consider any inequalities THAT MAY HAVE OCCURRED IN THE AWARD OF THE BITUMINOUS COAL COMMISSION AND THE JOINT AGREEMENT GROWING OUT OF THE SAME and to adjust any and all SUCH inequalities as the joint scale committee may MUTUALLY AGREE SHOULD BE ADJUSTED.' This left things in such shape that we had to choose between one of two alternatives, namely to accept the award of the Bituminous Coal Commission, with all the powers of government behind it, in its original form or else be satisfied with only such changes as the operators would agree should be made in the award.

Pursuant to the pledge of President Wilson and under the leadership of President Lewis the miners met the operators from the Central Competitive Field in Joint Interstate Wage Scale Conference in Cleveland on August 13th and on August 18th this conference broke up without having secured a single change in the award of the Bituminous Coal Commission. During this conference every demand of the miners, excepting one for increased wages for day and monthly men, was dropped and the operators would not agree to make any concession except an advance of 71.4 cents per day on these rates. Had we been able to agree on the amount of the advance to be paid day and monthly men an interstate agreement would have been signed in Cleveland and the whole matter would have been finally closed.

Following the adjournment of the Cleveland Conference your District officers met the Illinois operators in Chicago on August 23rd and on August 26th we signed an agreement modifying the award of the Bituminous Coal Commission and the Interstate agreement growing out of the same as follows:

One dollar and fifty cents (\$1.50) per day increase on day and monthly rates, excepting that trappers, spraggers, switch-throwers and couplers are to receive an increase of eighty-two cents (82c) per day. Drivers, motormen and trip riders engaged in transporting men underground are to receive an additional seventy-five cents (75c) per day when so engaged. Miners are to receive black powder at two dollars and fifteen cents (\$2.15) per keg, nitro base permissible at three dollars and forty-five cents (\$3.45), ammonia base permissible at three dollars and ninety-five cents (\$3.95) per twenty-five pound box. These prices are to be effective beginning August 16th and operators agree to refund all sums collected on black powder and permissibles during the period beginning April 1st, 1920, and continuing to August 16th in excess of the rates prevailing March 31st, 1920. Penalty clause has been amended so as to provide for a hearing before penalty is applied. All dead work performed by the miner and paid for by the day is to take the increased rate. Agreement becomes effective as of August 16, 1920.

While the new prices for black powder and permissible explosives are not as low as we hoped to get, they are still much lower than what the operator is entitled to receive under the award of the Bituminous Coal Commission and they are still lower than are the prices paid in any other district in the Central Competitive Field and must be accepted as satisfactory when compared with the prices paid in Indiana, Ohio and Western Pennsylvania.

Since April 1st the Indiana miners have been paying \$2.25 per keg for black powder and \$3.88 per box for nitro base permissible explosives. The Ohio miners have been paying \$2.40 per keg for black powder, no material amount of permissible, if any, is being used. The Western Pennsylvania miners buy black powder on the open market but permissibles are bought under an agreement with the operators, and the miners are now paying \$5.25 per box for the same. Then, too, we have the added advantage of having received black powder and permissible explosives at the old price for four and a half months while the miners in the other three districts in the Central Competitive Field have been paying the increased prices since April 1, 1920.

Had we been left alone there is no doubt but what we would have secured these modifications sooner than we did, but at any rate, thanks to the Illinois miners, and despite all the hampering and antagonistic influences that had to be overcome, at last we succeeded in doing that which we told you in our circular of

July 16th we proposed to do. Already those who tried to prevent success are now trying to discount these accomplishments. As for us we are proud and glad because of the accomplishments, proud because you won the fight and glad because of the good fortune the accomplishments will bring to you and the mine workers elsewhere, as no doubt the same modifications or their equivalent will be written into agreements applicable to other districts.

Now then it is my desire to emphasize that these important modifications in the award of the Bituminous Coal Commission and the Interstate and District Agreements growing out of the same were secured under tremendous difficulties and at a time when very few men believed it was possible to secure any modifications and they should not be regarded in a spirit of excess and as a license for further demands. It is our solemn judgment that no further modifications will be made in existing agreements previous to their termination March 31, 1922. Therefore moderation should be the dominating spirit and Joint Agreements and the laws of our own Union must be respected in all their provisions. Orderly procedure must obtain and all must work in unison. Disorderly procedure and divided action cannot be tolerated. Instead all must discharge the obligations imposed upon them by membership in our Union and thereby contribute their part to the upbuilding of the United Mine Workers of America.

Yours truly,

F. Farrington, President."

It is difficult, in fact impossible, to calculate in definite monetary terms the benefit that accrued to our membership by the attainment of these modifications in our wage agreement. Suffice it to know that through them millions of dollars were put into the pockets of our members and that through the instrumentality and action of the officers and members of District No. 12 the same benefit was applied to practically every other unionized district in the country.

### Disfranchisement of the Illinois Miners.

During the International Convention, recently adjourned, Section 2 of Article 12 of our International Constitution was amended to provide that "no local union shall have more delegates in the Convention than can cast the vote of the local union on the basis of five votes for each delegate," and a new section was added to the same article reading as follows:

"On questions coming before the Convention a roll call vote shall be taken upon the request of thirty (30) per cent of the delegates."

These amendments were recommended by the Constitution Committee and adopted by the Convention and after April 1, 1922 will be a part of our organic law.

Accepted literally the first amendment would mean that to have two delegates a local must have 1000 members and that a local must have at least 451 members before it could send a delegate, but after hearing explanations by members of the Constitution Committee I understand the amendment to mean that a local with 550 members or less would be entitled to send but one delegate to the Convention and locals having from 551 to 1050 members would be entitled to but two delegates and locals having from 1051 to 1550 members would be entitled to three delegates and so on.

It is my opinion that the enactment of these amendments was the most vicious, of the several vicious things that were done by the Convention, and that the legislation was purposely and maliciously aimed directly at the Illinois miners so as to decrease their voting strength in the Convention, as there is not another district in our union that will be so adversely affected as District No. 12.

So that you will understand just what these amendments mean some comparisons are made. For instance, a local of ten members will have just as much voting power as a local of 550 members, excepting when a roll call vote is taken. As a further instance refer to the case of Illinois and Ohio. Illinois has 343 local unions with 90,000 members. But 36 of our locals have more than 550 members and but three of them have more than 1050 members. This means that Illinois will be entitled to 385 delegates in the next Convention. Ohio has 639 local unions with approximately 45,000 members. This means that Ohio with only half the members we have in Illinois will be entitled to send at least 639 delegates to the Convention as against 385 from Illinois and an additional delegate for each local having more than 550 members. Then, too, Indiana with 240 local unions and approximately 30,000 members will be entitled to send at least 240 delegates as against 385 from Illinois and an additional delegate for each local having more than 550 members.

Moreover, District No. 8 (Indiana block) with 24 locals and about 900 members will be entitled to send twenty-four delegates or nearly as many as can be sent to represent all the thousands of members in Williamson County and the only way this inequality in representation can be overcome is by a roll call vote and thirty (30) per cent of all the delegates in the Convention must favor a roll call vote before one can be had.

Considering that it took three days to take two roll call votes in the last Convention you may know that not many roll call votes will be had.

I submit this matter to you without further comment, confident that you will readily understand the great wrong that has been done the Illinois miners

### Salary Grab.

Section 1 of Article 10 of our International Constitution adopted by the Cleveland Convention two years ago and effective to December 31, 1921 provides as follows:

“The salary of the President shall be \$5,000.00 per annum; Vice-President \$4,125.00 per annum; Secretary-Treasurer, \$4,125.00 per annum; Editor of the official Journal, \$2,500.00 per annum; International Executive Board Members, \$175.00 per month when employed; Tellers, Auditors and Delegates to the A. F. of L. Convention, \$7.00 per day when employed. Each of the above mentioned officers and editor shall receive, in addition to their salaries, all legitimate expenses when employed by the organization away from their places of residence.”

When this section was under consideration by the Cleveland Convention a motion was adopted reading as follows:

“I move that it is the sense of this Convention that the International officers get the same increase in their wages as we get.”

The above motion will be found on page 738, volume 2 of the proceedings of said Convention.

Statistical experts have figured out that by reason of the award of the Bituminous Coal Commission, the mine workers received what is termed a weighted average increase of thirty (30) percent. This would mean that the salaries of the officers of our International Union beginning with April 1, 1920 and running to December 31, 1921 should be the amount specified in section 1, article 10 plus the thirty (30) per cent increase alleged to have been secured for the mine workers, or in other words from April 1, 1920 to December 31, 1921 the salary of the President should be six thousand five hundred dollars (\$6,500.00) per year, that of the Vice-President, five thousand and three hundred and sixty-two dollars and fifty cents (\$5,362.50), that of the Secretary-Treasurer the same as the Vice-President, Editor of Journal, three thousand two hundred and fifty dollars (\$3,250.00) per year and members of the Executive Board two hundred and twenty-seven dollars and fifty cents (\$227.50) per month.

By reason of the Constitution and the motion adopted by the Cleveland Convention the above are the salaries the officers and Editor were actually and legally entitled to draw from April 1, 1920 to December 31, 1921. However, during July 1920 the International Executive Board, in complete disregard and defiance of the Constitution and action of the Cleveland Convention, raised the President's salary to eight thousand dollars (\$8,000.00) per year, an increase of sixty (60) per cent, that of the Vice-President to seven thousand dollars (\$7,000.00) per year, an increase of seventy (70) per cent, that of the Secretary-Treasurer the same as the Vice-President, that of the Editor to four thousand dollars (\$4,000.00) per year, an in-

crease of sixty (60) per cent, and that of the Board Members to three hundred dollars (\$300.00) per month and made their action date back to April 1, 1920.

Mark you, this was done before the shift hands secured the one dollar and fifty cents (\$1.50) per day increase, during the following August, and before the International officers knew of our plans to force an increase for shift hands. If a humble local officer of our Union were to do this thing he would be branded as a thief, forced to make restitution and be banished from office and he would forever be distrusted by those who knew of his guilt and he would forever be prevented from holding any office of trust in our Union. In fact, local officers have been sent to the penitentiary for a less offense.

In dealing with this matter in his report to the last Convention President Lewis made reference to it as follows:

“Acting in conformity with authority conferred upon it by the last International Convention of the United Mine Workers of America, the International Executive Board, at a meeting held in July, 1920, increased the salaries of the officers, field workers, traveling auditors and employes of the International Union. The subject matter was given most serious and careful thought by the International Executive Board before action was taken thereon. All the elements which naturally surround consideration of such a question, such as the increase in the cost of living, the duties and responsibilities assumed by officers and employes, the amounts paid to similar officers by sister organizations and the action of the convention were taken into account. It seemed to be the purpose of the International Executive Board to comply not only with the letter of the action of the convention but with the spirit as well. The Board decided that as substantial increase in wage scales had been secured for all members of the United Mine Workers of America, the membership of our union would approve an increase in salaries to the officers, field workers and employes commensurate with the work which they were called upon to do. The members of the Board are confident that the great majority of the membership of the organization will approve the action they have taken upon this question.”

The Cleveland Convention did not say the increase in the officers salaries was to be based on “the increased cost of living,” nor the “duties and responsibilities assumed by the officers,” neither did it say anything about the “salaries paid to the officers of sister organizations,” and it did not say that the officers were to take into account the “spirit” of the conventions action when they fixed their salaries.

What the Cleveland Convention did do was to say in clear and definite terms that the salaries of the officers were to be increased in the same amount that the miners wages were increased.

If we are to be allowed to disregard the letter of the law and be allowed to invoke the "spirit" of the law when the letter of it stands in our way then there is no limit to the distance we may go in taking unto ourselves whatever we may personally think we are entitled to.

When the committee on officers reports brought in a report to the last convention recommending endorsement of the action of the International Executive Board in raising their own salaries to an amount far above what they were entitled to under the law the convention overwhelmingly rejected the committees report. At this juncture Vice-President Fishwick offered a motion reading as follows:

"I move that all officers mentioned in Section 1 of Article 10 who have received salaries in excess of the amounts specified by that section of our law plus the advance awarded by the Bituminous Coal Commission be required to refund such excess moneys to our International Treasury and that the committee on Constitution be instructed to amend the Constitution accordingly."

In discussing this motion President Lewis did not make a single reference to the law, although in discussing other matters before the Convention he had vigorously and dramatically insisted on law enforcement. Instead he argued that to make the officers return the money would place them before the public in the light of being thieves and that it would confirm the allegations that our union is an unlawful institution and that it would jeopardize the miners interests in approaching wage scale negotiations if the convention made them return the money. In fact he talked of every thing but the law as it relates to officers salaries.

Following President Lewis' address a motion was made to table the motion offered by Vice-President Fishwick and the chair declared the motion to table carried. Following the chair's announcement that the motion to table had been carried the delegation broke out in wild, indignant, and justified protest and the tumult continued until the chair announced that a roll call vote would be taken. Although the motion to table Vice-President Fishwick's motion was carried on the roll call vote, which was equal to saying that the officers would not be required to return the money they had illegally taken, I am proud to be able to state that with the exception of a number of International organizers and a few others who had credentials from local uinons in District No. 12, the Illinois delegates, almost to a man, voted against tabling the motion and thereby did their best to uphold the standards of decency and honesty and the Constitution of the United Mine Workers of America.

I am proud of their conduct, as the matter must go down in the annals of our Union as being nothing more than a disgraceful, illegal, high-handed salary grab and even though President Lewis did term them "the shrieking minority" and "African tom tom

beaters'' and ''whirling dervishers'' because of their persistence in the interest of decency, I am still proud of them because they know right from wrong and have the courage to fight for right if needs be and because they refuse to be fooled by a lot of bombast and pomp and sham.

### **Itimization of Expenditure of Districts Funds.**

Some two years ago your district officers expended some twenty-seven thousand dollars (\$27,000.00) to suppress a rebellion within our district union. Bills are on file in the Secretary's office for the money expended and have been examined by your district auditors, who reported to the last District Convention that the money had all been properly accounted for and the Convention endorsed the position of the officers in refusing to make an itimization of the expenditure.

Several months after the Convention adjourned and the matter had apparently become a dead issue, 6 local unions out of some 340 locals in District No. 12, inspired by one Edw. Wieck, at that time a member of Local Union No. 705, O'Fallon, and who was forced to flee from Staunton, the community where he was raised, in the dead of night, during the war to escape a coat of tar and feathers at the hands of his indignant fellowtownsmen, and who was in the State of Washington when the rebellion broke out but who hurried back to Illinois when he heard of it and who was in southern Illinois during the Cleveland Convention trying to incite the members there to rebel against their Union and who was driven out by the miners in that section, and who voted in the last Convention to table the motion requiring the officers to refund the salary they had illegally taken, and the officers of Sub-district No. 4, whose instructions to do so are challenged, appealed to the International Executive Board to force your district officers to itimize the expenditures.

After President Lewis had made as much political capital out of the matter as possible the International Executive Board endorsed the decision which follows:

''Indianapolis, Ind., September 22, 1920.

O'Fallon Local Union No. 705 vs. District Executive Board, No. 12, U. M. W. of A.

Mr. John L. Lewis, President, United Mine Workers of America, Indianapolis, Ind.

Dear Sir and Brother:

The committee selected by the International Executive Board to conduct an investigation and render decision concerning appeal of aforesaid local union, in which it accuses Secretary Walter Nesbit of improperly accounting for approximately \$27,000 of the district organization funds expended during a so-called unauthorized strike which occurred during the summer of 1919, desires to submit the following:

We proceeded to Illinois as per instruction, conferred with Secretary Nesbit most extensively relative to the matter and afterwards sought to arrange a meeting of all interested parties at Majestic Hotel, St. Louis, Mo., September 15, which matured and was attended by numerous representatives of the local union, together with representatives of various other local unions who had also registered complaint in this connection.

The appellant local union alleges that the secretary in his quarterly reports seeks to account for expenditure hereinbefore named, in lump sum, under the title 'Wild-cat Strike' instead of itemizing same, basing their contention on Section 13, Article 8, District No. 12 Constitution, which reads as follows:

'Section 13. He shall submit to the locals, quarterly, an itemized statement of salary and expenses of each officer and employe of the district organization in separate items, and detailing the receipt and disbursement of all money belonging to the District Union.'

The Secretary makes no denial of this charge, but in defense of his action he states that an insurgent organization became very active in Illinois during the summer of 1919, which resulted in the district organization employing, temporarily, several men to prevent such insurgents from interrupting the United Mine Workers; that such special employes were paid out of the district funds and that he has in his possession receipts for same, but the District Executive Board authorized him to enter this appropriation in his report in the way and manner he did.

In view of Section 13, Article 8, District Constitution, hereinbefore reproduced, if it has any meaning at all, we are forced to the conclusion that the District Executive Board was in error when it took occasion to authorize Secretary Nesbit to not publish an itemized account of the expenditures over which this controversy arose. Thus the appeal of the local union is sustained and we, therefore, decide that the District Executive Board stand reversed and the expenditures shall be itemized.

Sincerely submitted,

W. D. Duncan, Chairman,  
Wm. Donaldson, Secretary,  
L. Bramlett,  
Geo. L. Peck,  
John O'Leary,

Committee."

From the title of the above decision it will be observed that there must have been but one local union that had appealed to the International Executive Board when the decision was rendered by the committee of International Board Members, as the decision is given the title of "O'Fallon Local Union No. 705 vs District Executive Board."

Regarding the decision as an arrogant invasion of our right of district autonomy which we would not surrender until instructed by the Illinois miners to do so and taking into account the action of our last District Convention, your officers refused to comply with the decision of the International Executive Board. The matter was made a subject for consideration by our last International Convention, President Lewis having presented it in his report to the Convention, and asked that body to "convince the defiant officers of District No. 12 of the error of their course."

The Convention ruled that we must comply with the decision of the International Executive Board and publish an itemized statement of the expenditure, but as yet we are not "convinced of the error of our course." We still hold that the matter is purely an internal affair, peculiar to District No. 12, and that the right to say how your money shall be accounted for belongs exclusively and inherently to the members of District No. 12. If the International Union—which in reality means the members from other districts who had no part in accumulating the money—can dictate as to how your money shall be accounted for then it can dictate as to how you shall spend it and indeed take it if so desired. We do not believe the International Union has that right, therefore, we refused to comply with the decision. It was your money that was expended, a District Convention approved of the manner in which it was accounted for. As your agents we obeyed the mandate of the Convention and shall continue to do so until the mandate is changed by the accredited representatives of the Illinois miners. We are not "defiant," but we are determined to not surrender, without your consent, your right to dispose of and account for your money in any manner that may suit you. With us your instructions on this matter shall be supreme. We await your further orders.

### **Censorship of Official Journal.**

According to Secretary Green's report it cost the miners one hundred and ninety-five thousand eight hundred and twelve dollars and ninety-two cents (\$195,812.92) to publish and distribute our Official Journal for the fiscal year ended July 31, 1921. For the fiscal year ended July 31, 1920 it cost one hundred and sixty thousand nine hundred and seventeen dollars and ninety-three cents (\$160,917.93) for the same purpose or thirty-four thousand eight hundred and ninety-four dollars and ninety-nine cents (\$34,894.99) less than it cost for the fiscal year ended July 31, 1921.

We had no International election during the fiscal year of 1920. For the first six months of the fiscal year ended July 31, 1921, during which period we did have an International election, it cost one hundred and five thousand three hundred and forty-nine dollars and ninety-two cents (\$105,349.92) to publish and distribute the Journal and had the same ratio of expenditure been maintained for the remaining six months it would have cost two hundred and ten thousand six hundred and ninety-nine dollars and eighty-four cents

(\$210,699.84) for the fiscal year ended July 31, 1921, or forty-nine thousand seven hundred and eighty-one dollars and ninety-one cents (\$49,781.91) more than it cost for the same purpose during the fiscal year of 1920, but due to good management, I suppose, during the last six months of the fiscal year 1921, during which six months we did not have an election, the cost was cut down and it only cost one hundred ninety-five thousand eight hundred and twelve dollars and ninety-two cents (\$195,812.92) or thirty-four thousand eight hundred ninety-four dollars and ninety-nine cents (\$34,894.99) more than it cost the previous year.

The columns of the Journal are supposed to be open to the officers and members of our Union who may desire to contribute articles or news items calculated to be helpful to the organized labor movement and particularly to the members of our Union. But this does not seem to be true as will be demonstrated by the correspondence which follows:

“Springfield, Ill., August 17, 1921.

Mr. Ellis Searls, Editor,  
United Mine Workers Journal,  
Indianapolis, Ind.

Dear Sir:

Enclosed is an article which I have written for Labor Day Publication. I shall appreciate it greatly if you will print the same verbatim in the Labor Day issue of our official Journal.

Yours truly,

Signed: Frank Farrington.”

“Springfield, Ill., September 7, 1921.

Mr. Ellis Searls, Editor,  
United Mine Workers Journal,  
Indianapolis, Ind.

Dear Sir:

Under date of August 17th I sent you an article for publication in the Labor Day issue of our official journal. I asked you to publish this article verbatim. I have received no advice from you that you could not do so, but I do have before me a copy of the last issue of the journal and I notice that you have published just about half of my Labor Day article therein. I should like to be advised as to why you decided to disregard my request to publish my article in its entirety and took upon yourself the liberty of publishing only about half of it.

It seems to me that my article should have been published in its entirety as I requested, or that, if you could not do that, then you should have taken the matter up with me and secured my permission to do so before assuming to publish my article in an abridged form. I shall appreciate an early reply from you on this subject.

Yours truly,

Signed: Frank Farrington.”

“Indianapolis, Ind., September 14, 1921.

Mr. Frank Farrington,  
Springfield, Ill.

Dear Mr. Farrington:

On my return to the office a day or two ago from a business trip, I found your letter of September 7th, and I am sorry that I have been unable to find time until now to answer it. Your letter of September 13th also arrived this morning.

When your article relating to Labor Day was received I read it very carefully. I found that a part of it had a direct bearing on the subject of Labor Day, while another large part of it had no bearing whatever on Labor Day, but referred to entirely different matters. Therefore, I took the liberty of eliminating that part which had no reference to Labor Day, and I published in the Journal all that had any bearing on that subject. The article as it was published in the Journal was very good indeed, and I wish to compliment you on the thought and sentiment therein expressed.

I am unable to see where there is any ground for criticism on your part, because I edited your article in such a way as to make it exactly what you said it was—a Labor Day article. I cut out only that part which was entirely foreign to the subject of Labor Day.

Yours truly,

Signed: Ellis Searls, Editor.”

“Springfield, Ill., September 15, 1921.

Mr. Ellis Searls, Editor,  
United Mine Workers Journal,  
Indianapolis, Ind.

Dear Sir:

I have your letter of September 14th which was written in answer to my letter of September 7th, and in reply thereto, I advise that your explanation of your reason for failing to publish my Labor Day article in its entirety is not at all satisfactory to me, your compliment on the same notwithstanding.

I prefer to exercise my own judgment about the articles I write, and you can use your judgment as to whether or not you will publish them in our official journal, but I deny you the right to abridge my articles without first taking the matter up with me and securing my consent to do so. I think I am just as capable as you are of determining as to whether or not articles I may write are appropriate for the occasion. At any rate, I deny you the right to censor my articles, and I think your doing so is an unwarranted piece of assumption on your part, at least, I have never heard of where you have been delegated to act as censor of articles that are to appear in our official journal, and which have been written by the accredited officers of the organization, for that purpose.

I think I understand pretty well why my article was not published in its entirety, and the reason was not that which was stated in your letter, but whether it was or not I do not want you to censor and abridge any more of my articles. I shall use my own judgment as to what I shall say in any article I may write and you may use your judgment as to whether or not you shall publish it, but if it is published, I desire that it be published as I write it and not as you think it should be.

Yours truly,

Signed: Frank Farrington."

"Indianapolis, Ind., September 16, 1921.

Mr. Frank Farrington,  
Springfield, Ill.

Dear Sir:

I acknowledge receipt of your letter of September 15th, in which you again complain because I eliminated a portion of the article which you sent in for publication as a Labor Day article. In my letter to you of September 14th I stated clearly and exactly the reason for my action, and I have nothing to add to what I said then on that point.

In your letter I note the following: 'I think I understand pretty well why my article was not published in its entirety, and the reason was not that which was stated in your letter.' This statement of yours does not change the fact that I cut out of your article that portion which had no reference whatever to Labor Day, and which you injected into the article for a purpose of your own. It is plainly apparent to anyone that you wrote that portion of your article for the sole and only purpose of creating discord in the ranks of the membership of the United Mine Workers of America, and I serve notice on you now that neither you nor anyone else may use the columns of the Journal for any such purpose. The Journal will not publish matter from any one which is written for the purpose of venting the spleen of the writer. I should think that you, as an official of this union, would gladly approve that policy.

Yours truly,

Signed: Ellis Searls, Editor."

"Springfield, Ill., September 17, 1921.

Mr. Ellis Searls, Editor,  
United Mine Workers Journal,  
Indianapolis, Ind.

Dear Sir:

This is to acknowledge receipt of your letter of September 16th, which was written in answer to my letter of September 15th. I have noted particularly that part of your letter which reads as follows:

'It is plainly apparent to anyone that you wrote that portion of your article for the sole and only purpose of creating discord

in the ranks of the membership of the United Mine Workers of America, and I serve notice on you now that neither you nor anyone else may use the columns of the Journal for any such purpose. The Journal will not publish matter from anyone which is written for the purpose of venting the spleen of the writer. I should think that you, as an official of this union, would gladly approve that policy.'

I regard your statement as being a very serious charge and I therefore request that you write me telling me exactly just what part of my Labor Day article was in your judgment intended to create discord in the ranks of the United Mine Workers of America and as an effort to vent my personal spleen.

I think I should also say to you in advance that when you make that charge against me you are guilty of an absolute falsehood and no one knows better than you that I was not attempting to create discord in the United Mine Workers of America and that my article was not an attempt to vent my spleen, unless you term trying to get the truth before the membership of our union as being an effort to create discord and vent one's spleen.

At any rate, I shall appreciate an early reply telling me exactly which part of my article it was that in your judgment was intended to create discord in the ranks of our union and which was an effort on my part to vent my spleen.

Please address your answer to the English Hotel, Indianapolis, Ind.

Yours truly,

Signed: Frank Farrington."

"Indianapolis, Ind., Sept. 20, 1921.

Mr. Frank Farrington,  
Hotel English,  
Indianapolis.

Dear Sir:

I acknowledge receipt of your letter of September 17th, and in reply will say that when I wrote in my letter to you of September 16th:

'It is plainly apparent to anyone that you wrote that portion of your article for the sole and only purpose of creating discord in the ranks of the membership of the United Mine Workers of America, and I serve notice on you now that neither you nor anyone else may use the columns of the Journal for any such purpose. The Journal will not publish matter from anyone which is written for the purpose of venting the spleen of the writer. I should think that you, as an officer of this union, would gladly approve that policy.'

I had reference to that part of your Labor Day article which I eliminated before publishing the rest of it in the Journal.

Yours truly,

Signed: Ellis Searls, Editor."

The part of my article Editor Searls deleted and refused to publish is quoted below, word for word, and reads as follows:

“\* \* \* In judging its value we should not be influenced by our fondness or dislike of certain individuals. The conduct of some officer should not be an influencing factor in trying to reach a conclusion. Neither should the rendition of some decision or the adoption of some certain policy be our guide. Such things are incidental and are too inconsequential to be used as factors in formulating our judgment of a movement so great and so essential as the labor movement. We do not look for perfection in any other human institution, why should we expect to find it in the labor movement? To find the true value of anything we must deal with fundamentals instead of incidentals.  
\* \* \* Another way to find value is by comparison. To know the true value of the labor movement one need but compare the condition of the organized and unorganized workers. Compare the condition of the Illinois mine worker with that of the mine worker in Alabama or any one of the other non-union coal fields. Let those who so bitterly assail the Illinois Miners' Union go into any one of those fields and if they stay there long enough to gain the experience they need, it is safe to venture they will return to Illinois with changed opinions as to the real value of our union.

Certainly the labor movement has its weaknesses and many of them and not the least of them is the dissension that exists within the movement and not the least of the obstacles to be overcome is the influence of those who deliberately design to prevent its progress.

Two ways are employed by the enemies of the labor movement to undermine the strength of and to prevent the growth of unionism. One is the machine gun, injunction and gun-man method, with which all are familiar, and which is so ruthlessly employed to prevent the unionization of non-union fields. The other and more dangerous way is to demoralize the ranks of men who are organized. This is done by invoking the aid of mercenary traitors who, under the guise of being good union men, devote their time to harassing and insidiously defaming the good name of absent officers, to attacking decisions, to denouncing policies, to discounting accomplishments and to flouting accredited authority, thereby creating distrust and division and demoralization in the ranks of men who otherwise would be united. The latter method is more dangerous than the other because honest men are oft times deceived by the tactics of these paid traitors and as a consequence they lose confidence in and respect for their union and spend their time fighting each other, thus wasting the strength that would accrue by unity, weakness follows and the aim of the enemy has been attained.

This insidious work of demoralization cannot be accomplished by the employer working out in the open. He is regarded with suspicion and the workers are not apt to follow his lead. To succeed the enemy must have the help of men in whom the workers have confidence, so weak, mercenary traitors are recruited from the ranks of labor to sow the seeds of distrust. These prostituted villains invade the councils of labor to incite men to commit acts against their union. Carefully manufactured falsehoods are circulated and the source from whence they originate no one knows. It is said the officers are traitors and are ruling the union with the rule of tyrants, that they own stock in mines, etc. Every device known to cunning and unscrupulous men is used to create a feeling of suspicion and distrust in the minds of men and as the vile stories of these reptiles gain credence men become divided against themselves and are at war with each other and honest but deceived men are arrayed against their fellowmen. As the confidence of the workers is decreased the strength of the enemy is increased and the work of demoralization goes on until the union is divided and finally destroyed.

Weak unions are not feared. If the opponents of labor could know that the labor movement would never grow strong there would not be much, if any, opposition to unionism. It is when a union gets strong and formidable that it is feared and the more strength it has the more it is feared and the more enemies it has. When a strong union cannot be kept out the thing its enemies will do is to try to make it weak and the way to make it weak is to create dissension and division in its ranks.

Because the Illinois Miners' Union is big and strong and far reaching in influence it has many enemies who would like to see it weakened. Why? Though the boundaries of your district union do not extend beyond Illinois, its influence extends into every mining district in the country, as was demonstrated in a practical way not very long ago and the happening should still be fresh in the mind of everyone.

When the President of the United States decided there were some inequalities in the award of the Bituminous Coal Commission, the movement that impelled him to that realization was initiated in Illinois and when, as a result of the pressure brought to bear on them by the Illinois Miners' Union, the Illinois operators decided to increase the wages of all shift hands in Illinois, the operators in every other mining district, non-union fields included, were compelled to do likewise and notwithstanding they had previously declared they would not do so. Naturally the operators from other districts are fearful of the strength shown at that time and consequently the Illinois Miners' Union now has more enemies than ever, who will use all the power they possess and who will work in many and devious ways to weaken the district that forced them to in-

crease wages when no other agency seemed to be capable of doing so and to those who know the ways of the enemies of the labor movement it is not strange that a few men should have suddenly discovered that it would be a fine thing to divide the Illinois miners.

This attack will fail because the Illinois miners are proud of and true to their union but they will have to be on the alert as sinister influences are at work. The enemy is active, other attacks in other forms will be made. The attempts to create distrust and division and demoralization will be continued because the Illinois Miners' Union is too big and strong and militant to suit the enemy. A divided, weakened union would be more to their liking."

If there is anything in the above that would warrant Editor Searls saying, as he did in his letter of September 16th: "It is plainly apparent to anyone that you wrote that portion of your article for the sole and only purpose of creating discord in the ranks of the membership of the United Mine Workers of America, and I serve notice on you now that neither you nor anyone else may use the columns of the Journal for any such purpose. The Journal will not publish matter from anyone which is written for the purpose of venting the spleen of the writer," I am unable to divine what it is.

When the Illinois miners, led by their officers, organized the movement which resulted in securing an agreement one year ago last August giving all shift hands an increase of \$1.50 per day, the miners powder for \$2.15 per keg, a modification of our automatic penalty clause and a uniform rule requiring the operators to haul the men from the bottom to the inside workings and back again at quitting time, and which resulted in the shift hands all over the country getting an increase of \$1.50 per day, the award of the Bituminous Coal Commission notwithstanding, Secretary Nesbit sent a copy of our agreement to Editor Searls for publication in our Journal so the mine workers of the country might know what had been done, but it was not published as requested by Secretary Nesbit. I guess Editor Searls thought it too was intended to "create discord and to vent the authors spleen."

The truth is that, through the columns of the Journal, the officers of our International Union have purloined the credit of securing the increase for shift hands when as a matter of fact the increase was not secured by them but in spite of them and I guess Editor Searls feared the mine workers would get an inkling of the truth about the matter, therefore, his reason for refusing to publish my article in its entirety. However, after my experience, of one thing I am confident and that is that nothing will appear in the Journal that in any way detracts from the artificial accomplishments of our International officers, even though the membership does pay one hundred and ninety-five thousand eight hundred and twelve dollars and ninety-two cents (\$195,812.92) per year for its publication and distribution, under the deluded belief that they can get the truth of things through its columns.

### Politics as Played by the Officers of our International Union.

For some time Michael Halapy, a member of our Union in the Pittsburgh District, has been in a controversy involving his right to run for the Presidency of that district in their last district election, the district officers having ruled him ineligible to do so. The controversy finally reached the International Executive Board.

I make no pretense of being familiar with the merits of the controversy and would not make reference to it in this report were it not for the fact that, following their usual practice of trying to crucify and ruin every one who dares to disagree with them and who will not play their game of dirty politics, the officers of our International Union have used the Halapy case to bring discredit to the President of District No. 12, by making it appear in their decision in said case that I fostered a dual organization in the Pittsburgh District.

On September 21, 1921, a committee of five International Board Members, namely, Lawrence Dwyer, District No. 29 (West Virginia) B. A. Scott, District No. 17 (West Virginia) Thomas Davis, District No. 1 (Anthracite) D. H. Watkins, District No. 13 (Iowa) and A. R. Witkins, District No. 6 (Ohio), signed a decision in the Halapy case and submitted it to President Lewis, Halapy, and Robt. Gibbons, President of District No. 5. In their decision it is stated that Board Members D. A. Watkins and B. A. Scott did not participate in the investigation made by the committee previous to making the decision, but notwithstanding this fact the names of Watkins and Scott are signed to the decision and the decision was secretly circulated among the delegates who attended the International Convention, just recently adjourned. The decision reads in part as follows:

“Michael Halapy gave further evidence that he was indented with the dual organization in District No. 5 from October 1920 to sometime in March 1921. He further states that he was President of that dual organization and on November 8, 1920, he and the policy committee signed and sent out to all membership in District 5, U. M. W. of A. a circular letter wherein they asked the membership of District 5, U. M. W. of A. to send in their capitation tax to their secretary, Thomas Meyerscough, temporary address Monongahela House, Pittsburgh, Pa. He further said our membership in District 5 responded to that circular letter by sending in to them between \$1200 and \$1400. He further testified that his associates appealed to President Frank Farrington and the District Executive Board of District 12 and they responded by sending in Auditors Martin and Schaefer, who said they called to see the situation and what we had. We met them and the fact was put up to them that we were broke and these auditors gave Halapy \$50, which he divided among his associates and the auditors left for Illinois to report to President Farrington and a little later on President Frank Farrington sent them a draft for \$750, making a total of \$800 they received from Illinois. Halapy also testified that he

appealed to Alexander Howat for financial aid but he had to send Howat five telegrams before he responded. President Alexander Howat gave us \$500. Halapy also said that Robt. Harlin also gave him \$650. He further testified that he (Halapy) kept \$250 of this amount and divided the other \$400 among his associates.

Michael Halapy further testifies that considering the number of our loyal brother members in West Virginia who have given their lives and our women and children now living in tents in numerous instances without shoes and making numerous other sacrifices, considering this situation, he now realizes that the ones financing that dual movement were not honest in their action."

At no time was I asked to appear before the committee to affirm or deny the above statement, alleged to have been made by Halapy. In fact I had no knowledge that the investigation was being conducted and it does seem to me that before any one is charged with an offense so serious as that of fostering a dual organization in our Union they should at least be given an opportunity to be heard. I had no inkling of what was going on and was given no opportunity to be heard and I am sure the same is true of Howat and Harlin. To this day I would have had no knowledge of the serious indictment that had been drawn against me had I not been fortunate enough to indirectly secure a copy of the committee's decision while attending the International Convention.

This decision and indictment was drawn, on ex parte evidence, without giving Howat, Harlin or myself any hearing whatsoever, by five men who exalt themselves as being members of the International Executive Board, the supreme court of our Union, the body charged with the responsibility of directing the destiny of our Union and to which in the last extremity all members of our Union must go for redress and justice and to which all should be able to go, confident that the members thereof are men of clean principle, inflexible honesty and sincere exponents of a square deal for all, but by drawing this decision and indictment in the manner it was done, these five members have descended to the level of cheap politicians and have thereby shown utter unfitness to fill the exalted positions they occupy and they have polluted every principle of unionism and square dealing and if their action is exemplary of the conduct of their associates, then no one having regard for decent practice can have any confidence in or respect for the International Executive Board.

I brand the allegation or insinuation that I fostered a dual movement in the Pittsburgh District or elsewhere as an infamous lie and those making the allegation or insinuation as damnable liars. I did send men and money into the Pittsburgh District, but not to encourage or aid the formation of a dual movement, as will be clearly shown by the telegrams and letters hereinafter quoted.

On October 20, 1920 I received the telegram which follows:

“Charleroi, Pa., Oct. 19, 1920.

Frank Farrington,  
Farmers Bank Bldg.,  
Springfield, Ill.

Local Unions of District five have called special convention which meets in Norse Room, Fort Pitt Hotel, Pittsburgh, Pa. on November third, fourth and fifth when district officials refused to do so on more than sufficient number of requests. Interests of United Mine Workers in general require that you be present and accordingly we are extending this invitation. Letter follows with detailed explanation. Wire care Monongahela House, Pittsburgh, Pa.

Signed: Michael Halapy.”

Regardless of the invitation extended in the above telegram, I had no desire to go to Pittsburgh to interfere in the affairs of District No. 5 and, after mature consideration and consultation with my associates, I wired Halapy on October 25th as follows:

“Springfield, Ill., October 25, 1920.

Mike Halapy,  
Monongahela House,  
Pittsburgh, Pa.

With reference to your telegram of October nineteenth I advise that the work in our district is such as to make it impossible for me to attend the meeting to be held in the Norse Room, Fort Pitt Hotel, Pittsburgh, November third, fourth and fifth. May I not express to you and through you to the men who will attend this meeting the hope that their work will redound to the credit and benefit of the U. M. W. of A.

Signed: Frank Farrington.”

Surely there was nothing in the above telegram to indicate that I favored the formation of a dual movement. After sending my telegram of October 25th I have no recollection or record of having heard anything more from Halapy until December 22nd when he wired me as follows:

“Pittsburgh, Pa., December 22, 1920.

Frank Farrington,  
Springfield, Ill.

Disclosures indicate that most of the vote of District Number five was corrupted and bought up by use of whiskey and money by officers of District Number five. In face of these facts sworn to by reputable miners the policy committee has filed a protest with International Tellers against the counting of the vote from this district. We have done this to save the miners organization from being demoralized, corrupted and disrupted.

Signed: Michael Halapy.”

Upon the receipt of the above telegram I instructed Auditors Schaefer and Martin to visit Pittsburgh to learn what they could of the charge that the votes cast in the Pittsburgh District for International officers had been "corrupted," but with strict instructions to take no action while there but to report to me. I took no further action until Halapy wrote me under date of December 29th, as follows:

"Monongahela House, Pittsburgh, Pa.,  
December 29, 1920.

Mr. Frank Farrington,  
Springfield, Ill.

Friend Farrington:

The committee that you sent down here to get a line on the fraud and corruption committed in the recent miners election will no doubt submit to you a detailed report and for that reason I need not go into that matter. To be brief, however, I want to say that the Pittsburgh District is worse than Tammany Hall. Of course, with much of this you are conversant. However, in the recent election the gang went to extremes to secure votes by use of money, whiskey and promises of appointment. The whole affair is terrible nasty and if it is exposed it will forever discredit the men, who have committed or countenanced these offenses against our Union.

In the near future we will be able to submit to you copies of sworn statements showing where quite a number of local unions in this district exist only on paper. Heretofore these fictitious locals have been used by the officers of the district to maintain a balance of power in our conventions and the fictitious votes were plunked for the administration candidates in the elections. Whiskey and money were used on such an extensive scale that we have every reason to believe that the funds were furnished by the Coal Operators, who are enjoying special privileges in this district. We propose to secure positive sworn affidavits in substantiation of all this and whatever assistance we secure from you and the miners of District No. 12 will certainly be appreciated by our men down here.

We did not insist upon Schaefer and Martin staying with us as we have quite a number of capable men here to make a thorough investigation. Some of these men have been black listed and temporary employment at this kind of work will be a relief to them and their families.

Our sole aim in continuing the fight that we are engaged in in this district is to purge our union of corrupting influences which would in time spread all over our jurisdiction and render our organization the most reactionary institution in the country. So it becomes the duty of every true United Mine Worker of America to fight this menace and destroy it root and branch.

I will keep you posted from time to time of the progress we make here, for I believe that you and the Illinois Miners are deeply interested in the outcome of our fight for decency.

With the kindest personal regards and New Year Greetings,  
I am

Fraternally yours,

Signed: Michael Halapy."

After the receipt of the above letter I consulted with personal friends, good union men, and they agreed to join with me in personally raising seven hundred and fifty dollars (\$750.00) to be sent to Pittsburgh and on December 31st, I wired Halapy as follows:

"Springfield, Ill., December 31, 1920.

Michael Halapy,  
Monongahela House,  
Pittsburgh, Pa.

Friends in this district who favor clean elections in the miners union have agreed to donate seven hundred and fifty dollars to prosecute investigation of alleged corruption in Pittsburgh district. I will mail you draft for that amount next Tuesday. Am wiring Harlin and Howat to do their part in this connection.

Signed: Frank Farrington."

On the following Tuesday, January 4, 1921, I sent Halapy a draft for \$750.00 in accordance with the promise made him in my telegram of December 31st. After this I heard nothing more from Halapy until I received the letter which follows:

"Monongahela House, Pittsburgh, Pa.,  
January 11, 1921.

Frank Farrington, President,  
U. M. W. of A., District 12,  
Springfield, Ill.

Dear Sir and Brother:

We are appealing through you to the members of the U. M. W. of A., District No. 12, for support both moral and financial. Every principle of the U. M. W. of A. has, and is being flagrantly violated in this District. Facts and affidavits now on file are beyond dispute to prove the above assertion, and we sincerely believe that if our committee receives the financial aid they will be able to purge the U. M. W. of A. of the many thieves and corruptionists from longer conducting their nefarious work.

The U. M. W. of A. cannot endure and thrive under the practices now in vogue in this district and can only result, if continued, in making the men, women and children of the Mine Workers practically slaves.

We are compelled to appeal to you by reason of the fact that the powers that be in this district have threatened the mem-

bership of their expulsion if any contributions are made to this cause.

We, therefore, ask you in our name to issue a circular for financial aid from your office by endorsing this letter and sending it to all your locals.

Very respectfully yours,

Michael Halapy, President,

Signed: Thos. Myerscough, Secretary,

On behalf of committee of action."

Answering Halapy's letter of January 11, 1921, I wrote him as follows:

"Springfield, Ill., January 14, 1921.

Mr. Michael Halapy,  
Monongahela House,  
Pittsburgh, Pa.

Dear Sir and Brother:

Answering your letter of January 11th concerning matter of raising funds to purge our organization of the corruption in the Pittsburgh district, I advise that my judgment is that it should not be necessary to issue a circular appeal for that purpose. Surely to God there are enough honest mine workers in the Pittsburgh district who would be willing to contribute enough money to purify their organization.

I note what you say about the officers having prohibited the members in the Pittsburgh district from making contributions for that purpose, even though that be true that does not prevent individuals from personally contributing their own money. I do not feel that I am conversant enough with affairs in the Pittsburgh district to warrant my issuing a circular of appeal to our members in District No. 12.

If any circular is to be issued I think it should be prepared and signed by your committee and issued from Pittsburgh. I am satisfied that if you should issue such a circular that quite a number of our local unions will respond to such an appeal, but by all means I think the circular should be prepared by your committee and be issued from Pittsburgh, and it should not only be sent into Illinois but into every other district in our organization.

Yours truly,

Signed: Frank Farrington, President."

After writing the above letter I heard nothing more from Pittsburgh until International Organizer Grecula sent me a telegram on February 8th that will be hereinafter quoted, but before quoting his telegram it is necessary to explain who Grecula is.

John Grecula is one of those contemptible individuals who would sell their soul for an organizers commission. Long before he became an International Organizer he professed to be a warm friend of Robt. H. Harlin. Several years later he was commissioned as an International Organizer, but during the last International election he went to Harlin saying he had been discharged by President Lewis and volunteered to do what he could to help elect Howat and Harlin and during the election he was in the Pittsburgh district pretending to be friendly to them. In reality he was only a spy that had been "planted" in their camp. He was on the International pay roll then and he is on it now, but when he wired me he was supposed to be supporting Howat and Harlin.

Grecula's telegram of February 8th reads as follows:

"Pittsburgh, Pa., Feb. 8, 1921.

Frank Farrington,  
Springfield, Ill.

Our friends at their meeting yesterday decided to start move for independent union. Circulars will be sent to all local unions in District five to that effect. While am here on behalf of Harlin I would like to know what position is best to assume. Am wiring Harlin and Howat. Wire answer.

Signed: John Grecula,  
Monongahela House."

The above telegram was forwarded to me from Springfield to St. Louis. Immediately upon its receipt I wired Grecula as follows:

John Grecula,  
Monongahela House,  
Pittsburgh, Pa.

"St. Louis, Mo., Feb. 8, 1921.

I have your telegram of February eighth informing me that Halapy and followers have decided to start movement to establish independent union in Pittsburgh district. I sincerely regret that this is true. I ask that you say to them for me that I am unalterably opposed to such a movement and that I shall have nothing whatever to do with the same. In the future, as in the past, I shall render every legitimate assistance possible to clean up any irregularities that may be working injury to our union, but I shall not in any way associate myself with those who attempt to establish a dual organization among the mine workers. Great though the provocation may be it is the solemn duty of every mine worker to do everything in his power to preserve the integrity of the United Mine Workers of America. Consequently it is the duty of every member of our union to confine his activities within the laws of our union in seeking an adjustment of any complaint, no matter how serious it may be. Therefore I most earnestly hope that Halapy and his followers will change their decision and conduct themselves in a way that will preserve the integrity of the United Mine Workers of America.

Signed: Frank Farrington."

Later on I received the letter which follows:

“Monongahela House, Pittsburgh, Pa.,  
February 19, 1921.

Mr. Frank Farrington,  
Springfield, Ill.

Dear Sir and Brother:

The Policy Committee chosen by the progressive miners of District No. 5, U. M. W. of A., to see that the Constitutional Law of our Union is lived up to instructs the undersigned to inform you that the committee never had any intention to start a dual movement in this District and create a split in the United Mine Workers of America. Nor, have they any intention of doing so now. We want to inform you that any charges to the contrary are false and malicious. We are suffering under grievous wrongs. Members of our Union were denied their constitutional rights. Our ballot was corrupted at the last Biennial election but we are willing and desirous to have these wrongs redressed through the courts of our organization, The United Mine Workers of America.

Fraternally yours,  
Signed: Michael Halapy, Chairman,  
Thomas Myerscough, Secretary.”

I would not have burdened my report with this recital but the charge, coming from such a high source, that your President encouraged the formation of a dual movement within our union is too serious and dastardly to allow it to go unchallenged. With the documentary proof before you I leave you to judge as to my guilt.

We in Illinois did not furnish all the money that went into the Pittsburgh district. Secretary Green's records show that during the eleven months just preceding our last International election the International Union sent a total of seventy-five thousand dollars (\$75,000.00) to the officers of the Pittsburgh District, the last installment of this amount being sent there on December 10, 1920. The election was held on December 14th and the official financial report of District No. 5 shows a balance of two hundred and one thousand six hundred and forty-nine dollars and thirty-six cents (\$201,649.36) in the District Treasury on October 1, 1920. Of course, it will be claimed that this money was used to finance strikes but the facts do not bear out that claim. You must form your own conclusions as to why the money was sent to District No. 5 at a time when the financial report of that District shows that they had ample funds in the District Treasury to carry on the work of the District Organization.

### **Some More Politics as Played by our International Officers.**

An excerpt taken from President Lewis' report to the last International Convention, as his report related to the Alabama strike, reads as follows:

“While the Alabama mine workers, with their backs to the wall, were desperately resisting the onslaughts of the minions of

the Alabama coal operators, they were treacherously knifed in the back by the vicious, false propoganda which certain scheming politicians in our own organization sent into the state. This circumstance formed one of the most deplorable incidents of the Alabama strike. I refer specifically to the pusillanimous action of Candidate Robert H. Harlin, who flooded local unions of that state with telegrams sent at an enormous expense from Seattle, Washington, and containing malicious untruths. I quote the following, which was sent to the Financial Secretary of Local Union No. 3270, Brookside, Alabama:

‘Seattle, Washington, Dec. 11, 1920.

Oscar Davis, Brookside, Alabama:

The following telegram from President Farrington, Illinois should be given publicity in interest of decency and a square deal in the coming miners election:’

‘Robert H. Harlin, Seattle, Washington:

Lewis, Murray and Green, preceded by force of organizers who are billing meetings without invitations from local unions, are addressing meetings in Illinois. Reliable information is that their meetings are failures. They are resorting to falsehood and deception and are losing what few supporters they had in this district. International Organizer Wilson spent three weeks in Belleville organizing their meetings, also nine days in DuQuoin organizing meetings. Our district is infested with International Organizers drawing ten dollars a day and expenses from International Union, while striking miners of West Virginia and Alabama are crying for bread which cannot be furnished them because the International Union is bankrupt. It is a shame that funds of our Union should be expended with such reckless random for campaign purposes, while they who are fighting for their lives to establish the standard of the United Mine Workers in non-union fields are unable to secure even meager support from our International Union. I suggest that you transmit contents of the telegram to workers in Alabama and elsewhere.

Frank Farrington, President Illinois Miners.”

Signed: Robert H. Harlin.”

“Aside from the minor falsehoods contained in this telegram, it sets forth that the International Union could not furnish bread to the crying miners of West Virginia and Alabama because the funds of the International Union had been dissipated in an irregular way, and that the organization was bankrupt. Can one conceive of a more atrocious untruth or a more prodigious falsehood than this statement? At the time this telegram was sent, the International Union was furnishing \$50,000 per week to the Alabama miners for food alone, besides spending additional thousands for clothing, shelter, physicians’ services, medicines and other necessities. This support was continued

until the month of April 1, 1921, which is indeed an astonishing action for a bankrupt organization such as is described in the Harlin telegram. As a matter of fact, the International Union expended approximately \$2,000,000 subsequent to the date of this message.

This telegram was delivered by the Western Union Telegraph Company to scores of our members in Alabama and was promptly copied and distributed by the coal companies to discourage our members and break the strike. More than anything which occurred during the strike, this statement operated to cast a pall of gloom over the mining camps and the tent colonies, because it led our people to believe that the weekly payments of benefits were to be suspended. Only the most prompt and vigorous action by the district officers and representatives of the International Union on the ground was able to brush away these fears and convince our members of the falsehood of the statements. Notwithstanding that we were able to ultimately restore the confidence of our people, this telegram brought joy and comfort into the hearts of the coal operators of the state who were so relentlessly opposing us. They firmly believed, and so publicly stated, that our International Union could no longer finance the strike and they rallied their battered forces and reinforced their opposition to a greater degree than would otherwise have been possible."

The above hardly squares with another paragraph of President Lewis' report on the same subject. It reads as follows:

"In the month of December, 1920, to our great disappointment, the acute industrial depression lessened the demand for coal and a condition was created materially to the advantage of the Alabama Coal operators. The closing of industry in the South released thousands of men who became available as mine recruits and strike breakers for the coal operators. Notwithstanding these conditions, which gradually became worse, the miners stood firm and waged the unequal struggle until the month of February."

The above seems to contradict the statement that the operators forces were "battered" at the time Harlin's telegram was received in Alabama and the telegram could not have cast such a "pall of gloom over the mining camps and colonies" because Lewis himself says that although conditions gradually became worse, not on account of the telegram, but on account of the "acute industrial depression" the miners stood "firm" and waged the unequal struggle until the month of February. His statement that "the telegram was delivered to scores of our members in Alabama and was promptly copied and distributed by the coal companies to discourage our members and break the strike," hardly seems true. Are we to believe that our members turned the telegram over to the coal companies? I have letters from Alabama in my possession showing that

the telegram was not given the wide publicity claimed by Lewis and proving that his statement as to the publicity given it is no more than a lot of piffle and I personally know that his statement that Harlin "flooded the local unions in Alabama with telegrams sent at an enormous expense" is a gross exaggeration of the truth.

As a matter of fact there were more men employed in the mines in the strike zone and the mines were getting out more coal than when the strike was called and men were being discharged because they were not needed and mines were laying idle, not on account of the strike, but for the want of orders and the strike was completely and hopelessly lost long before Harlin's telegram was sent into Alabama. During the following February, the officers, with child like innocence and faith, turned the settlement of the strike over to Governor Kilby, the Commander in Chief of the military forces that had been used to crush and defeat the strikers and agreed to abide by whatever decision he might make and as might be expected he denied every contention made by the mine workers.

If these assertions are doubted, I suggest that this convention select a committee from among the delegation to make a complete investigation to determine the truth.

I have no word of condemnation for the Alabama miners but I hate the pomp and sham of men who play with the fate of other men so that their game of dirty politics may go on.

I make no denial of having sent the telegram to Harlin and I stand by its contents with but one exception. Where the name Green appears, the name should have been Smith, my opponent in the last District election. This error occurred in the transmission of the telegram. The telegram as originally drawn shows the name of "Smith." Otherwise the contents of the telegram are true.

The Illinois miners know that Lewis brought Paul J. Smith out as an opponent to the President of District No. 12 in the last election. They know that Lewis and Murray and Smith and a gang of organizers did canvass the locals in Illinois as stated in the telegram and if they don't know that the International Union was bankrupt at that time I refer them to page 9 of Secretary Green's report to the last International Convention. And they know that Murray issued a circular attack on the President of District No. 12 long before the President of District No. 12 sent the telegram to Harlin and they know that Lewis and many other International officers and organizers have not hesitated at anything to bring discredit to the President of District No. 12 and being good sports they know that men who devote their time, almost exclusively, to playing politics should not squawk when the other fellow retaliates.

Now then as to the harm done the Alabama miners by the telegram. I wonder if it did them more harm than was done to the mine workers of the country by the copyrighted article that was written by one K. C. Adams, President of the Great Lakes Coal and Coke Corporation, with coal properties at Lory, West Virginia, and

President of the White-Adams Coal Selling Agency at Indianapolis, and who for six years was publicity agent for the United Mine Workers of America and who is Editor of the "American Coal Miner" and who by order of President Lewis drew eight hundred and thirty-nine dollars (\$839.00) from the International Union for publicity purposes during the Cleveland Convention two years ago and who prepared the reports that many of the delegates to the Cleveland Convention took back to their local unions, and which copyrighted article was written for release for publication on October 19th, just previous to November 1st, when by order of the Cleveland Convention, a strike of all the bituminous mine workers in the country was to take place. In that article it was stated that the wage demands of the Cleveland Convention were the outgrowth of politics; that Lewis was not in sympathy with the strike; that his wage scale recommendations were made only to outplay the radicals; that the miners were already enjoying the greatest freedom in their employment of any class of labor in America and that there really was no reason for the strike that was to take place on November 1st, but there had to be a strike to tame the radicals.

This article was published in the press of the country from the Atlantic to the Pacific and many of the popular magazines and it was published in the Pittsburgh papers as a paid advertisement and paid for by the Pittsburgh coal operators. This article undoubtedly did more to deceive the people of the country and to mould public and governmental sentiment against the miners than anything else that could be done, yet when the matter was officially brought to the attention of President Lewis under date of October 18, 1919, by the Executive Board of District No. 12 and he was asked to issue a public denial and repudiation of the article, he informed us under date of October 22, 1919 that he knew of nothing that could be done about the matter, and nothing was done. No public statement was issued to overcome the falsehoods told in the article, although President Lewis had the means at hand to do so. No public repudiation of Adams was made. Not even a single word was printed in our official Journal in contradiction of the falsehoods and no effort was made to get the truth to the people of the country, but instead the mine workers were allowed to go into the strike of November 1st with a hostile public sentiment wrongfully and treacherously moulded against them and our President remained silent.

Was my action in sending Harlin the telegram and his action in transmitting it to a few men in Alabama more "pusillanimous" or "treacherous" than was the inaction of Lewis when he remained silent and allowed all the bituminous coal miners in the country to be "treacherously knifed in the back by the vicious, false propaganda" of Coal Operator Adams? I leave you to judge.

Moreover, was it more "pusillanimous" or "treacherous" than was the action of Lewis when he, through the public press, on numerous occasions, bambastically attacked and ridiculed and belittled the President of District No. 12 and threatened to strike all the mine workers in the country if the Illinois operators conceded

any modifications in the Illinois wage agreement and when he did everything in his power to prevent our success, at the time the President of District No. 12 and his associate officers organized the movement that finally resulted in the shift hands, not alone in Illinois, but all over the country, getting an increase of one dollar and fifty cents (\$1.50) per day, beginning August 16th, 1920 and when during the midst of our efforts to secure this increase he wired me on July 31, 1920 as follows:

“I expect you to cooperate with me in removing from the proud record our organization has made the stain of dishonor placed upon it and to put an end to the illegal strike in District No. 12.”

And when he later took unto himself the credit for securing the increase, although it was secured, not by him but in spite of him? Again I leave you to judge.

It is with extreme repugnance that I burden my report with such things, but when one is attacked by those who devote themselves to the game of politics and whose only motive is to discredit and destroy, one has no choice but to protect one's self against their attack.

### **\$100,000 Given to Kansas Miners.**

Acting by authority of a referendum vote of our membership, your district officers donated one hundred thousand dollars (\$100,000) out of our District Treasury to the mine workers of Kansas to aid them in their fight to overcome the obnoxious Industrial Court Act. Ever since this was done agents of our International Union, President Lewis included, have tried, with their usual aptitude for playing cheap and dirty politics, to discredit Alexander Howat and the officers of District No. 12 in the minds of the membership by constantly attempting to deceive them by making dirty insinuations that this money was being improperly expended. The latest of these dirty insinuations was made by President Lewis during our last International Convention. No matter how serious or vital the issue confronting our Union, even though its very life may be at stake, these men do not seem to be able to see anything in the issue but their own political interest and if in their judgment their political interest requires that they discredit those who are fighting the vital issue they do not hesitate to set the machinery in motion to accomplish that end, therefore the insinuations that “Howat used this money to further his candidacy in the last election” and the insinuation that “the Illinois miners would not be content if they knew how the money was being expended” and many other insinuations, dirty in nature and false in character were dropped from time to time in this place and that to create the suspicion that this money was not used in the way the Illinois miners intended it to be used. So as to give the lie to these malicious insinuations I directed Auditors Schaefer and Martin to proceed to Pittsburg, Kansas and

audit the accounts of District No. 14, as they related to the \$100,000 mentioned. Their audit was made under date of October 14, 1921 and is as follows:

“Pittsburg, Kansas, October 14, 1921.

Mr. Frank Farrington, President,  
District 12, U. M. W. of A.,  
Springfield, Ill.

Dear Sir and Bro.:

As per your instructions, we the undersigned auditors of Districts 12 and 14, proceeded to check up the Accounts of Thos. Harvey, Secretary-Treasurer of District 14 with reference to the One Hundred Thousand Dollars donated to President Howat and the Kansas Miners by the Illinois Miners for the purpose of assisting them in their fight against the Industrial Court Law of Kansas.

Notwithstanding the charges and rumors that this money was being spent illegitimately by President Howat, and the Kansas Miners, we failed to find any justification for such charges other than to try and discredit President Howat and the Kansas Miners in their determined fight against this Un-american Law.

Under the caption Attorneys' Fees and Legal Matters we find that this expense was legally confined to the defense of Howat, Dorchey and others against this Industrial Court Law.

Under the caption of Protest demonstration, we find that during the trials of Howat and Dorchey and the day of their incarceration in jail, street cars were chartered and the transportation of those willing to take part in the protest were paid. It is estimated that on the day of their incarceration there were approximately five thousand mine workers gathered at the Court House in Columbus, Kansas to hear President Howat's parting words and his bitter denunciation of the Industrial Court Law.

Relative to the Publicity and protest campaign we find that Twenty Thousand Dollars was advanced and loaned to a paper to be established and known as the Golden Rule Messenger for the purpose of placing the facts and developments of this law into the homes of every miner, farmer and Laboring man in Kansas, with a view of repealing the said law at the next election. Seven men were also put in the field for several weeks during the last election of state authorities to campaign against this law.

## DISBURSEMENTS.

## Attorney Fees and Legal Matters, Howat Contempt Case.

Date.		
Nov. 3, 1920—H. C. Doyle, attorney fees.....	\$ 4,500.00	
Nov. 3, 1920—Redmon S. Brennan, attorney fees.....	5,000.00	
April 7, 1921—Redmon S. Brennan, attorney fees.....	2,500.00	
April 7, 1921—L. L. McCormick, attorney fees.....	1,500.00	
May 5, 1921—Shepherd, McNeill & Stephens.....	2,500.00	
May 7, 1921—Shepherd & Shepherd.....	2,500.00	
April 14, 1921—Printing briefs, court and litigation expense.....	492.70	
June 18, 1921—Printing and expense.....	1,342.50	
June 29, 1921—R. S. Brennan & McCormick, attorney fees.....	5,000.00	
July 9, 1921—Shepherd & Shepherd, McNeill & Stephens, attorney fees .....	5,000.00	
July 9, 1921—Cale R. Jones, stenographic work.....	243.00	
July 16, 1921—J. P. R. R. Co., fares to Columbus at trial of Howat and Dorchey.....	357.53	
June 19, 1920—John B. Fayne, attorney fees.....	50.00	
July 19, 1920—John B. Fayne, attorney fees.....	50.00	
Aug. 19, 1920—John B. Fayne, attorney fees.....	30.00	
Sept. 1920—Byron Coon .....	200.00	
Mar. 4, 1921—Witness fees for Mackies.....	6.20	
Mar. 19, 1921—Louis Winters, stenographic work.....	8.00	
Mar. 19, 1921—Fred Simpkins, transcript.....	5.00	
Mar. 19, 1921—L. Winters, transcript.....	35.00	
April 1921—Printing in connection with trial in injunction suit .....	15.00	
May 1921—Transcript in Patton case.....	27.00	
July Printing in connection with contempt case.....	15.00	
Cost in Supreme Court of Kansas to U. S. Supreme Court, Howat case.....	7.00	
July 1920—Workers Chronicle, printing abstract record in Howat case .....	55.00	
U. S. Post Card injunction suit.....	2.00	
Special stenographic copying record.....	4.00	
Feb. 23, 1921—Carl Mishmash, transportation and expense to draw pay from coal co., instead of Industrial Court .....	39.77	
Sept. 11, 1920—F. C. Werner, premium on bond, appeal in contempt case to U. S. Court.....	200.00	
Oct. 14, 1920—U. S. Supreme Court, part payment cost of appeal case Howat and others.....	25.00	
Mar. 3, 1921—U. S. Fidelity & Guarantee Co., premium on bonds, Howat case .....	123.00	
Mar. 20, 1921—L. Winters, transcript.....	42.00	
Sept. 7, 1921—Fred Simpkins, court stenographer.....	173.40	
	<hr/>	
		\$32,048.10

## PROTEST DEMONSTRATIONS.

July 2, 1921—Joplin-Pittsburg R. R. Co., fares to Columbus, Kan., Howat trial.....	\$ 875.13
Sept. 30, 1921—Joplin-Pittsburg R. R. Co., fares to Columbus, escorting Howat to jail.....	1,291.10
Sept. 30, 1921—Girl Band, meals at Columbus.....	13.00
	<hr/>
Total .....	\$ 2,179.23

## PUBLICITY AND PROTEST CAMPAIGN.

Jan. 21, 1921—Oklahoma Leader, publicity campaign against Industrial Court Law.....	\$ 1,000.00
July 28, 1921—Oklahoma Leader .....	100.00
July 23, 1921—Loan to establish paper known as Golden Rule Messenger .....	20,000.00
Mar. 7, 1921—Workers Chronicle, printing.....	48.50
April 29, 1921—Workers Chronicle, printing.....	7.50
May 6, 1921—Workers Chronicle, printing.....	9.00
May 14, 1921—Workers Chronicle, printing.....	5.00
June 14, 1921—Workers Chronicle, printing.....	21.50
June 21, 1921—Workers Chronicle, printing.....	6.00
Sept. 9, 1921—Workers Chronicle, printing.....	21.00
Campaign Expenses Against Industrial Court Law:	
Oct. 1920—Ed. Jackson .....	113.80
A. T. Vanhook.....	300.52
Thos. Cunningham .....	368.43
Al. Foreman .....	310.00
George Reid .....	289.54
James Dorcey .....	9.50
A. E. Tindrell.....	12.00
Total .....	\$22,622.29

## RECAPITULATION.

Amount received from District 12, for the purpose of assisting Howat and the Kansas Miners in their fight against the Industrial Court Law.....	\$100,000.00
Amount Disbursed—	
Attorney Fees and Legal Matters.....	\$32,048.10
Protest Demonstration .....	2,179.23
Publicity and Protest Campaign.....	22,622.29
	<u>56,849.62</u>
Balance on Hand.....	\$ 43,150.38

Inasmuch that these accounts were included in the General Fund of Dist. 14, we herewith advise that a separate fund be kept in the future and that all disbursements intended for same to be charged against said fund.

Yours respectfully,

John R. Schaefer,  
 Enoch Martin,  
 Auditors Dist. 12, Illinois.  
 Robert B. Foster,  
 James Mariotte,  
 Julius La Forte,  
 Auditors Dist. 14, Kansas."

The above audit gives the lie to the slander mongers, who instead of fighting with Howat against the Industrial Court Act, as honest men would do, have tried to discredit him when he was making the fight against one of the most injurious measures ever enacted against the workers of any state in America.

I particularly direct your attention to the fact that the above audit shows that less than twelve thousand dollars (\$12,000) of the

money was expended previous to our International election, which was held on December 14, 1920 and that virtually all of that amount was paid out for attorney fees, which proves that the stories that Howat used your money to further his candidacy in the last miners election are no more than empty lies.

### **The Kansas Trouble.**

A condition has developed in District No. 14 that may be properly regarded as being the most serious internal disturbance that has occurred during the life of our Union.

Alexander Howat is in jail. The charter of District No. 14 has been suspended and the integrity of the United Mine Workers of America is imperiled.

When the integrity of our Union is in jeopardy we are concerned, and the trouble in Kansas is, therefore, our concern. Consequently I recommend that this Convention shall at some time during its sessions suspend the rules and devote time to the consideration of the trouble in Kansas.

Alexander Howat is imprisoned in the county jail at Columbus, Kansas, in the custody of Sheriff Harvey, brother of Thomas Harvey, appointed by President Lewis to act as Secretary-Treasurer of a "provisional district organization" in Kansas. On October 12th, Vice-President Fishwick and Secretary Nesbit visited Brother Howat and found him confined in a six by eight steel cell or cage, the cross bars on the door of which are so closely knitted together that only two fingers of the hand can be passed through the open squares in the door. He is not even given access to the corridors for exercise, a privilege often accorded the most vicious criminals and always accorded a trusty. He is allowed to have visitors only on Wednesday of each week, and so it is with Vice-President Dorchey and their only crime is that they refused to sign a bond not to call any more strikes in Kansas. They could have saved themselves had they agreed to commit the Kansas miners to virtual slavery.

President Howat asked Fishwick and Nesbit to convey to the Illinois miners his profound appreciation of the moral and financial help and the sympathetic encouragement they have given him and to say to them that he intends to fight to the bitter end, let the end take him where it will.

As evidence of the sentiment of the Kansas miners I quote one of many resolutions adopted by them. It reads as follows:

"Franklin, Kansas, October 2, 1921.

To all Local Unions of District No. 12,  
United Mine Workers of America.

Dear Sirs and Brothers:

The miners of Kansas, in mass meeting assembled, in Franklin, Kansas, on October 2, 1921, authorize us to convey to the miners of Illinois the respect and esteem in which the miners of Kansas hold the miners of Illinois.

We find it impossible to adequately express our appreciation for the help and assistance the Illinois miners have rendered us in our fight with the Kansas Industrial Court Law, and a coterie of unscrupulous political jackals who are using all the powers of the state to throttle the coal miners of Kansas.

The Kansas miners look upon the Illinois miners as their big brother, in whom we have every confidence, and who we believe will go shoulder to shoulder in this fight which means life or death to every honest union man in the Mine Workers organization.

Let us say to the mine workers of Illinois that we are in this fight to win, and if at any time we are compelled to surrender, it will be when the last union man in Kansas is counted out.

Yours for justice,

Chas. Rumetsch,  
Englebert Van Huyck,  
John Fleming, Jr.,  
S. T. Wakefield,

Committee."

Under date of October 12th and without any previous warning and without having officially notified the officers of District No. 14 of the action of the International Convention and while Alexander Howat was in jail and without making any conciliatory effort to influence the men to return to work, who were idle, not on account of any action of the International Convention as stated, but because their chief had been sent to prison, President Lewis wired John Fleming, acting President of District No. 14 as follows:

"As President of United Mine Workers of America I am compelled to take official cognizance of the present extraordinary situation existing in District fourteen. The laws of the United Mine Workers of America are being flagrantly disregarded and the ruling of an international convention is being deliberately flaunted. The joint agreement between miners and operators in the state of Kansas has been trampled upon by individuals who seemingly have no respect for the honor of their organization or the principals of fair dealing among men. Therefore, in view of these facts and with a desire to protect the future of our organization and promote the welfare of its membership I am hereby officially advising you that the autonomy of District fourteen stands suspended, effective this date, all offices in District fourteen are by this order declared vacant and individuals heretofore filling these positions can no longer officially represent or speak for District fourteen, United Mine Workers of America. In order that the business of our organization in Kansas may be properly transacted and the interests of our members protected this office has designated Mr. George L. Peck, heretofore member of International Executive Board, as its chief representative in District fourteen with all authority of acting President of a provisional district under

control of International Union. Mr. Thomas Harvey, heretofore Secretary-Treasurer of District fourteen, is in similar manner designated as Financial representative of International Union empowered to exercise functions of acting Secretary-Treasurer of provisional district organization operating under control of International Union, these officers thus created acting by and with consent of International Union shall assume charge of affairs of mine workers of provisional district fourteen and shall with full authority perform such acts as may be necessary for the transaction of business of the district within the pervue of the constitution of United Mine Workers of America and in harmony with our honorable obligations under Joint Agreement. All loyal members of the United Mine Workers of America in the state of Kansas will be governed accordingly.

Signed: John L. Lewis."

At the same time President Lewis wired Mr. W. L. A. Johnson, General Commissioner of the Southwestern Interstate Coal Operators Association, as follows:

"Washington, D. C., Oct. 12, 1921.

Mr. W. L. A. Johnson, General Commissioner,  
Southwestern Interstate Coal Operators Assn.,  
Keith and Perry Bldg., Kansas City, Mo..

You are hereby officially advised that acting with authority of International Organization, I have today suspended autonomy of District fourteen, United Mine Workers of America. All offices of said district are by this action declared vacant and individuals previously holding such offices are no longer qualified to speak with any authority or transact any business of United Mine Workers of America. This office has designated Mr. Geo. L. Peck as chief representative of International Union in the Provisional District Fourteen functioning under International authority; Thomas Harvey has been designated as chief financial representative to perform duties of Secretary-Treasurer of provisional district under similar authority. International Union will assume the obligations of joint agreement between miners and operators in District fourteen and your association is officially advised that it can deal with the representatives herein designated on all questions. International Union intends to liquidate its responsibilities under Kansas agreement in fullest possible way and will appreciate cooperation of Southwestern Interstate Coal Operators' Association in the premises. Will apprise you of any further details in connection with this matter at later date.

Signed: John L. Lewis."

Mr. W. L. A. Johnson wired President Lewis as follows:

“Mr. John L. Lewis, Pres.,  
United Mine Workers of America,  
Raleigh Hotel, Washington, D. C.

Your wire yesterday received referring suspension officers District fourteen. Association appreciates and considers action opportune and justified and assures you of fullest possible co-operation in all matters affecting operation of Joint Agreement.

Signed: W. L. A. Johnson.”

The last two quoted telegrams would indicate a close cooperation between President Lewis and Mr. Johnson and the telegram of Mr. Johnson shows that “the operators appreciate” President Lewis’ action in suspending the officers of District No. 14 and that they “consider the action opportune and justified.”

This action is without warrant under our law and without precedent in our Union and can only be regarded as the act of a madman, insane with obsession and arrogance of the nature that actuated the Kaiser when he plunged the nations of the world into world wide war.

No where in our law is the President of our union vested with the power or authority to suspend the autonomy of active district organizations and to create “provisional districts” in their stead and to appoint “provisional officers” to preside over the same and if President Lewis is to be allowed to do this at will the autonomy, aye, the integrity of no district will be safe from day to day against the inconstancy and passion of his rule and if the membership tolerate a practice of this kind it is inevitable that the United Mine Workers of America will be overcome and perish of internal dissension.

### **To Clear up Some Untruths.**

During our International Convention, President Lewis told the convention that Alexander Howat had never asked for the cooperation of the International Union in his fight against the Industrial Court Act. His exact statement to the convention was as follows: “It was said this morning that President Howat of District fourteen had appealed in vain to the International Union for cooperation or assistance, that is not a fact, since the enactment of the law the officers of district fourteen have not requested cooperation, have not requested any assistance moral or financial but have repulsed every effort of the International Union to cooperate toward the repeal of that law or have it declared unconstitutional by the higher courts.” As indisputable proof that the truth was not stated to the convention, by President Lewis, I quote a letter written by Alexander Howat to President Lewis. It reads as follows:

"Pittsburg, Kan., March 4, 1920.

Mr. John L. Lewis,  
International President U. M. W. of A.,  
1106 Merchants Bank Bldg.,  
Indianapolis, Ind.

Dear Sir and Brother:

I suppose you know before this time that Gov. Allen of Kansas was successful at the special session of the Legislature, in having a law passed that is known as the Kansas Court of Industrial Relations. This law is intended to enslave the working class of this state and to destroy organized labor in Kansas.

This law is an insult to every honest working man who believes in the principles of liberty and justice, and is a disgrace to the state of Kansas. It is intended to place us at the complete mercy of the employers of labor and to put us where we were years ago before we had an organization here.

There is no law even in the most autocratic country of Europe today that destroys the usefulness and effectiveness of organized labor and places them more completely at the mercy of the employers than does the law we have in Kansas at this time. This law provides one year in prison and \$500 fine on any of the men who may go on a local strike, that is, where they go on strike of their own accord without being called out by the executive board. It also provides a penalty of two years in the penitentiary and a fine of \$5000 on any district official of the organization who may call a strike.

Gov. Allen was not satisfied with passing a law for compulsory arbitration, but he had this penalty attached that I have just called to your attention, and not satisfied with that, he had a provision written into this law which provides also that he is to appoint the three arbitrators. When the Kansas Legislature passed a law of this character, they struck a blow at the rights of every union man in the state, both as an organized workman and as an American citizen.

The recent general strike of the U. M. W. of A. created a very bitter sentiment against the miners in Kansas and against organized labor in general, and it was as a result of the miners general strike, which caused a few of the people in Kansas to suffer because of their inability to obtain coal, that caused this law to be passed at the special session of the Kansas Legislature.

We intend to fight this law to a finish. We do not propose to go back to the days of slavery. We expect in Kansas to continue to be free men—we expect to be accorded the same degree of liberty and freedom in Kansas as the mine workers in the other states in the nation.

At the time we were striking in Kansas from 1899 until 1903 to compel the operators to recognize our union, we were also fighting then to be free men. Gov. Allen proposes now after all

these years to put us back in the same condition that existed before we had an organization.

Our convention meets in Kansas City, Mo., on the 8th day of March, and I am inclined to believe at that time that our convention will go on record to continue to fight as we have in the past, regardless of this so-called law. Sentiment against this law in Kansas today is very bitter, more especially among the mine workers, because they realize only too well what it means. In my report to the convention I am advising that we refuse to surrender any of the rights and privileges that we have enjoyed in the past, and I am quite sure our convention will go on record to that effect.

Every local union in the district is going to be represented. There will be about 225 delegates in attendance to speak for the mine workers of this district as to our future policy regarding this outrage that has been perpetrated by the Kansas Legislature on the organized labor movement of this state. The fight must be made in Kansas against this law, because if we submit tamely here to an outrage of this kind, it is only a question of a very short time until the working class of this entire country will be enslaved with a law similar to that which we have in Kansas today.

You will therefore readily understand the importance of this question and what it means to organized labor, and also the importance of the fight being made in Kansas at this time. We can never agree to take a backward step, and we can never agree to surrender the principles that we have fought and struggled so long to establish. It is for these reasons that we intend to continue to fight for the principles of justice rather than submit to Gov. Allen, the tyrant and would-be destroyer of organized labor.

I am writing you at this time to see whether or not we may expect the full moral and financial support of our international organization in any fight that we may decide to make against this law, as this is a fight for organized labor, not only in Kansas but for organized labor in the other states as well. We intend to fight this law to a finish whether we have any assistance from others or not, but I am sure that we may expect to receive the full assistance of our international union in this struggle to make free men of organized labor in this state. The fight will be a great deal easier with our international organization standing with us, and it will give more hope and encouragement to the mine workers of District 14 who have always been loyal to our union, and one thing that had a great deal to do with causing Gov. Allen to have this law passed was the fact that the miners in this state refused to dig coal for him when he toured our district and called for volunteers and urged the miners to return to work.

I am sure, John, if you take all these questions into consideration, that you will have no hesitancy in telling me in behalf of our international union where you are going to stand in this fight. We have resolutions, I believe, from about every local union in our district condemning Gov. Allen and this law that he was instrumental in having passed.

I will appreciate it very much indeed if you will write me by return mail and make your position clear so no one can misunderstand. Write me to the Cordova Hotel, Kansas City, Mo., as I am leaving here Sunday morning. I want to read your letter to the miners in convention, and you may rest assured, if you can see your way clear to stand with us in this fight, it will be appreciated by every mine worker in our district.

Hoping to receive a favorable reply, I am with kind regards

Yours very truly,

Signed: Alexander Howat,  
President Dist. 14."

That Lewis received the letter quoted above is made clear by one he wrote to Howat. It reads as follows:

"Continental Hotel,  
New York City, March 10, 1920.

Mr. Alexander Howat,  
President, District No. 14, U. M. W. of A.,  
Pittsburg, Kansas.

Dear Sir and Brother:

Your esteemed favor of March 4th was received in Indianapolis on March 6th and forwarded to me here in New York, arriving too late for me to make reply in time to reach you at the Convention of District No. 14 in Kansas City. I did not know that your convention was to be held on that date, having had no notification. Had I been aware of the holding of the convention, I would have endeavored to have had a representative of the International union present to confer with yourself and associate officers in the matter concerning the new law in Kansas.

I have in mind that this is a most serious matter and requires careful and deliberate consideration. Press dispatches today in the New York papers advise that the convention of District No. 14 has granted you authority to call a strike at any time you desire as a protest against the enactment of Governor Allen's industrial court law. I trust that you will take no hasty action upon this matter and that any action that may be taken will be subsequent to the most careful consideration. I shall be glad to confer with you in person upon this matter at some later date after our affairs take more definite shape in the anthracite and bituminous matters. As I wired you yesterday, the Bituminous Coal Commission has not yet agreed. We must always

consider the possibility of a disagreement and, if so, there may be a national suspension of the mining industry on April 1st, Consequently, you will see the advisability of deferring judgment with respect to the Kansas situation.

Reciprocating your kind regards, I am

Very truly yours,

Signed: John L. Lewis, President."

President Lewis also told the Convention that Frank P. Walsh and Attorney Callery lobbied for a compromise bill at the time the industrial court act was before the Kansas Legislature. Following is a telegram from Frank P. Walsh on the subject. It reads as follows:

"New York, N. Y., Oct. 3, 1921.

John H. Walker,

Severin Hotel, Indianapolis, Ind.

Have just sent following wire to William Green care of Convention. 'Am advised statement has been made to your convention that I lobbied for compromise of industrial court law at Topeka. On January eighth nineteen twenty I appeared in opposition to the proposed industrial law before a special session of the Legislature of Kansas representing the Kansas State Federation of Labor and the four Railroad Brotherhoods. Did not lobby with individual members of Legislature but presented an argument against the proposed law publicly to a joint session of the house and senate. The opening words of my argument taken from the official stenographic transcript now before me were 'We oppose every clause in this bill and every line of it.' My argument was to the effect that it was an attempt to impose slavery upon the workers of Kansas. Afterwards made many public speeches and wrote newspaper articles to same effect and adhere to that position to this moment. Believe the principles urged to be fundamental. I never lobbied for a compromise and opposed then and will continue to oppose compromise upon such a vital question. While I am sure no one would intentionally misrepresent me there if such statements have been made will you be good enough to read this telegram to the convention so that the members whose good opinion I value may be correctly advised. With my kind regards and every good wish for a successful convention I am sincerely,

Frank P. Walsh'."

Following is a telegram from Phil Callery, Attorney for the Kansas miners. It reads as follows:

"Pittsburg, Kan. Oct. 17, 1921.

Frank Farrington,

Mine Workers Bldg., Springfield, Ill.

The assertion that I lobbied for compromise industrial court law at Topeka is a despicable lie and contains not a particle of truth. Every skunk who has been circulating such statements is now working hand in hand with the industrial court and the

Coal Operators Association in their effort to lash the miners back to the pits and save the industrial court from extinction. Their conspiracy will fail as long as the Kansas miners can get a crust of bread their fight will go on.

Signed: Phil Callery."

President Lewis also told how he had wired the legislative representatives of District No. 14 to oppose all legislation of a compulsory kind. Who were the legislative representatives? Earl Draper, Chairman of the Committee appointed by President Lewis to draw up a report on the election of organizers and which committee advised against their election, and Thos. Harvey, now "provisional" Secretary of District No. 14, by reason of President Lewis' action in suspending the officers of that District. How easy it would be to frame up any kind of a story with them. I venture the opinion that if Harvey or Draper were called upon to produce the telegram Lewis said he sent them they could not do so. It seems strange that he would wire them instead of the President of District No. 14 and it seems passing strange that he would wire them and keep the President of the District in the dark as to what he had done on such an important matter.

Then too President Lewis told the Convention of how Howat had spurned the offer of the International Union to have Attorney Clarkson of District No. 13 inducted into the fight against the Industrial Court Act. President Howat could hardly be blamed for spurning the aid of Attorney Clarkson. Mr. Clarkson is a high classed attorney and an esteemable gentleman and no one can properly say a word against him as such, but he would hardly be a proper person to make the fight against the Industrial Court Act, considering his son owns the coal mine at Nashville, Illinois, and many of our members at Nashville believe Mr. Clarkson himself is interested in the mine, their belief being based upon the fact that he spends four and five days at a time in Nashville examining the mine underground and on the surface.

I enter this matter in my report because Alexander Howat was in prison at the time and therefore could not be in the convention to personally disprove the false statements of President Lewis and because I do not like to remain silent and see any man crucified by falsehoods and misstatements.

In this connection it may also be well to point out that Secretary Green did not read the telegram from Frank P. Walsh to the convention.

### Injunctions.

Below is quoted notice of application for a temporary injunction and restraining order to be made in the district court of the United States for the district of Indiana at Indianapolis in the case of Borderland Coal Corporation vs the United Mine Workers of America. It follows:

“To The International Organization of The United Mine Workers of America; John L. Lewis, President of said Organization, Phillip Murray, Vice-President of said Organization; William Green, Secretary-Treasurer of said Organization; Districts Numbers 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 29 of said Organization; Thomas Davis, John Ghizzoni, John O’Leary, A. R. Watkins, N. J. Ferry, Ora Gasaway, John J. Mates, Sam Caddy, W. D. Vanhorn, Ed Dobbins, D. H. Watkins, G. L. Peck, Luke Brennan, B. A. Scott, Robert Livett, Frank Walters, W. L. Harrison, William Dalrymple, Phillip Juranovich, W. D. Duncan, Rodger Quinnan, Andrew Steel, John Livingstone, Stephen Ely and Lawrence Dwyer, International Executive Board Members of said United Mine Workers Organization; Frank Kenney, President of District 17 of said Organization and Fred Mooney, Secretary-Treasurer of District 17 of said Organization, and all the members of said International Organization of the United Mine Workers of America, whose names are unknown to the plaintiff, and too numerous to mention, and Jackson Hill Coal & Coke Company, Queen Coal & Mining Company, Rowlands Power Consolidated Colliery Company, Lower Vein Coal Company, corporations created and existing under the laws of the State of Indiana; P. H. Penna, J. K. Seifert, J. H. McClelland and W. J. Snyder.

You and each of you are hereby notified that the undersigned Borderland Coal Corporation, will, on the 14th day of October, 1921, at 10 o’clock a. m. of that day in the City of Indianapolis, Indiana, make application to Hon. Albert B. Anderson, Judge of the District Court of the United States for the District of Indiana, for a temporary injunction and restraining order to enjoin and restrain the defendants, the International Organization, United Mine Workers of America, its officials, districts, sub districts, local unions and members, from assessing, levying, charging and collecting any dues and assessments levied or to be levied or charged upon or against its members or any of them and at every place for any purpose or purposes whatsoever upon the ground and for the reason that the said International Organization, The United Mine Workers of America, its districts, sub districts and local unions has become unlawful *per se* and is an unlawful combination and conspiracy in restraint of interstate trade and commerce and is acting and existing in violation of the Sherman Anti Trust Act of 1890, the Clayton Anti Trust Act, and in violation of the Constitution of the United States and the Federal Statute enacted thereunder.

To enjoin and restrain the defendant coal companies and the defendant operators from collecting or causing to be collected and paid over to said organization on their pay rolls all dues and assessments levied or charged by the officials, representatives and members of the United Mine Workers, upon or

against any of its members, employes of said defendant companies and defendant operators, which dues and assessments are commonly known and designated "check off."

To enjoin and restrain the defendants and each of them from doing any further act or thing in furtherance of, or to bring about or to accomplish the objects and purposes of the unlawful combination and conspiracy now existing, which conspiracy was entered into between the International Organization, the United Mine Workers of America, by and through its officials, and the operators of the central competitive field composed of the states of Ohio, Indiana, Illinois and western Pennsylvania in the year 1898 as set forth, averred and complained of in the Bill of Complaint to be filed in the above styled cause and which Bill of Complaint has been lodged with the Clerk of the United States District Court in the said City of Indianapolis.

To enjoin and restrain the defendants, the United Mine Workers, its officials, districts, local unions and members from further maintaining, by any act, policy or practice at any and all coal mines or operations where said organization has contractual relations with the operators of said mining operations the 'closed shop,' and to enjoin and restrain the defendants from doing any act or thing to prevent or interfere with the rights of non-union miners to work in or about said mines.

To enjoin and restrain the defendants from doing or causing to be done any act or thing that will suppress or unduly limit the right of the plaintiff to employ non-union labor, or that will prevent or restrict the right of the plaintiff from voluntarily contracting with its employes, and its employes from voluntarily contracting with it, and particularly the acts of insurrection, murder, violence, intimidation, threats and other unlawful acts complained of in said Bill of Complaint heretofore referred to.

To enjoin and restrain the defendants from doing any act or thing that will create, or further tend to create and establish, a monopoly of labor for the purpose of unreasonably increasing wages or the price of labor above what it should be under normal conditions, and from, in any way interfering with or restricting free competition among those seeking employment in the mines of the plaintiff and those working in and about the coal industry of the country.

To enjoin and restrain the said defendants from doing any further acts or things that will give a coal producer of the central competitive field a monopoly on the markets for the sale of coal in any of the states or territories of the United States or foreign countries, to the exclusion of coal mined by this plaintiff and the other operators in said Thacker or Williamson field and transported and sold in interstate trade and commerce.

To enjoin and restrain the United Mine Workers organization, its officials and representatives and the operators of said central competitive field, from further doing any act or thing

that will lessen the ability of the plaintiff and other coal operators in said Thacker or Williamson field, to continue their competition with coal produced by the operators of said central competitive field in the sale of their coal in interstate trade and commerce.

To enjoin and restrain the United Mine Workers organization from taking any further steps, or from doing any further act or thing, to unionize the mines of this plaintiff, by menaces, threats, intimidation, force or violence, or in any manner whatsoever, or in any manner interfering with the contract of employment with its employes and the lawful rights of this plaintiff, and other coal operators in said Thacker or Williamson field to employ such laborers as they may choose, and discharge them when and as they see fit, either with or without cause.

To enjoin and restrain the United Mine Workers of America, its officials, representatives and agents from in any manner interfering with the employes of this plaintiff, and of other said coal operators in said Thacker or Williamson field, or with men seeking employment at their mines, by menace, threats, violence, or injury to them, their persons, families or properties, or by abusing them, or their families or by doing them violence, or doing any other act or thing with the right of such employes and those seeking employment to work, upon such terms as to them seem proper, unmolested, and from in any manner injuring or destroying the property of plaintiff, or of said other coal operators, and from counseling or advising that they should in any manner be injured in the conduct of their said business and the enjoyment of their property.

To enjoin the said United Mine Workers organization, its officials, representatives and agents from doing any act or thing to induce or persuade the employes of this plaintiff and the other coal companies of said Thacker or Williamson field to break their contract of employment now existing between this plaintiff and its employes and between the other coal companies of said field and their employes.

BORDERLAND COAL CORPORATION,

By A. M. BELCHER,

Of Counsel for Plaintiff."

Hearing on the above application for injunction was to have been held in Judge Anderson's Court on October 14th, but the hearing on that date was deferred and at the time of going to press with this report had not yet been held, therefore, it is improper to venture any prediction as to what the action of the Court will be. However, if the injunction is granted as prayed for, it will be the most disastrous blow ever delivered to the United Mine Workers of America and the resultant effect cannot be completely forecast, but of one thing we may be sure and that is that the souls of men will be tried in the fight that must be made for the preservation of our Union and to you I say that the time has come when a vigorous,

aggressive fight for unionism, nation wide in character, must be launched against such measures. It is almost idle to be talking singly of either the injunction, the improper use of the militia, the industrial gunmen or the State constabulary or police, or the tie-up of the funds of an organization, because they are all in the same category. They are repressive and oppressive measures used sometimes singly, but generally in a collective way.

The assertion must be made of the unqualified right of labor to organize, and it must be made clear that this is an empty phrase if thereafter they do not have the right to maintain their organization, to strengthen it to that point where its bargaining voice is effective, and at least equally potent with that of the employers' bargaining voice.

To my mind, this is one of the greatest things we may consider in the labor movement. We must be bold about this. We must say that we have the God-given right to organize and that governmental agencies, whether they be courts or executive officers, must stop their interference. Laws should be made in legislative halls—not in the injunctions of judges, either elective or appointed, and not in the military proclamations of Governors. Labor must arouse itself to this situation and make a determined, unflinching fight against such oppressive and repressive measures.

Believing that we were justified in resorting to any available measure to protect our Union against the aggression of its enemies, I instructed our Chief Counsel, Mr. A. W. Kerr, to prepare a bill asking the Circuit Court of Franklin County to issue a writ of injunction enjoining against certain things being done against our Union. The bill as presented to the court reads as follows:

“State of Illinois, Franklin County, ss: In the Circuit Court,  
to the November Term, A. D. 1921.

Bill For Injunction.

To the Honorable Charles H. Miller, Judge Presiding—In  
Chancery Sitting:

Your orators, Frank Farrington, Harry Fishwick, Walter Nesbit as individuals and as President, Vice-President and Secretary-Treasurer, respectively, of the withinafter named 12th District United Mine Workers of America, Michael Pietzrak, Joseph Macona, George Stoffer, Allan S. Haywood, John Young, Fullerton Fulton, James Walker, Dave Wilson, William Hutton, Hugh Willis, David Babington, Charles Grace and Edward Dobbins, individually and together with the 3 first named herein constituting the District Board of said 12th District United Mine Workers of America and as such District Board, and John Schultz, a member of Local Union No. 1959 of said 12th District, all but the last named representing that they have been for years last past residents of the State of Illinois, and the said John Schultz representing that for 2 years and upwards last past he has been a resident of the

County of Franklin in said State of Illinois; that all but the last named were and now are officials of said 12th District United Mine Workers of America duly and legally elected to such positions under and by virtue of the constitution and laws of said 12th District United Mine Workers of America; that they regularly assumed the performance of the duties of their respective offices and are now acting in such capacities; that said 12th District United Mine Workers of America is a District of the United Mine Workers of America; that said District has a membership in the State of Illinois of ninety thousand (90,000) and upwards; that for many years it has been the instrumentality or agency through which the bituminous coal miners working in the coal mines of the State of Illinois have dealt with the owners and operators of said coal mines with relation to terms and conditions of employment; that for a number of years there has existed in the said State of Illinois and elsewhere in the United States of America a contract between various operators associations and the United Mine Workers of America; that said 12th District is in a contract between what is known as the organized miners of the Central Competitive Field and the coal owners and operators of the said Central Competitive Field.

That in and within the State of Illinois the greater number of the operators of coal mines are in and members of what is known as 3 operators associations, namely, (a), Illinois Coal Operators Association, (b), 5th and 9th Districts Coal Operators Association, and (c), Central Illinois Operators Association; that the powers, functions and work of said last mentioned coal operators associations is performed all within the State of Illinois with reference to the carrying out and enforcement of the contract hereinbefore mentioned.

That for years in and within the State of Illinois only the said 12th District United Mine Workers of America acting for its members all of whom reside within the State of Illinois have adjusted differences arising out of the employment of its members in the said coal mines with the said mentioned coal operators associations; that this has been by mutual agreement and by virtue of the terms of the contract aforesaid.

12th District of the United Mine Workers of America is a voluntary unincorporated society formed solely for the purpose of advancing the moral, educational and industrial interests of the men residing in the said State of Illinois who labor in its coal mines; that out of the Industrial system in the United States of America and in the State of Illinois coal mining and many other large adventures of capital are pursued through corporations many times with large capital and large numbers of stockholders; that the personal contact between employer and employee as it existed half a century ago is missing in the modern relation; that out of this and many other situations arose the necessity for the organization and banding together

of the men who labored in the coal mines of this state as has as well been necessary or deemed necessary in other large industries in the state; that the individual miner could not well alone speak his desires nor his demands; that equality of bargaining power did not exist in fact between an organized employer and a single coal miner; that for years in the State of Illinois the right of such organization on the part of the coal miners and others has been fully and freely conceded legally and morally; that in addition to the adjustment of differences arising under contract heretofore mentioned the said 12th District United Mine Workers of America acts for its membership in securing the adoption and passage of laws in the State of Illinois for the protection of life and limb in the very hazardous occupation of mining coal in the said State of Illinois that many of the miners of this state are killed in the course of a year in the employment and many taken by death before a natural time by the conditions of work; that for the relief of those surviving and the proper burial of the deceased it was deemed proper to establish a fund in the nature of a funeral and death benefit; that in addition to the many miners killed in the course of the business of mining coal several thousand are annually injured; that it was necessary to seek to have the industry bear this human loss resulting from the killing and maiming of the miners; that to that end legislation was sought through the channels and agency of said 12th District acting for its members upon the securing of the passage of this legislation known as 'The Workmen's Compensation Act' it was thought best to create a legal department; the agencies and activities aforesaid are only a part of the functions performed by the said 12th District United Mine Workers of America acting for its members all in the State of Illinois; that to the ends aforesaid it was necessary to create and keep maintained a fund or treasury out of which these obligations were to be met; that such a fund was created and has always been maintained since its creation in varying amounts; that at present such fund is \$2,000,000.00 and upwards; that this fund is maintained by voluntary contribution of 1% of the earnings of the members of said 12th District United Mine Workers of America and that the disbursements for the activities aforesaid are all made to members within the State of Illinois or to their beneficiaries; that the creation, maintenance and disbursement of said fund or treasury are all made under and by virtue of the constitution and laws of the said 12th District United Mine Workers of America; that to deplete said fund by or through any other agency would be violative of the legal rights of the membership of said 12th District United Mine Workers of America; that to have the same attached or distributed or ordered paid out through channels or for purposes other than those provided for in the constitution and laws of said 12th District would be violative of the legal rights of said 12th District and of its membership in behalf of whom your orators file this bill as well as in their own behalf.

Your orators aver the fear of an effort, and aver that coercive measures are about to be taken to compel the defendants hereinafter named, to declare the existence of the said District Organization and its purpose or purposes to be unlawful and the assessing, levying, charging and collecting of dues and assessments levied or to be levied or charged upon or against its members or any of them in the State of Illinois to be unlawful.

To refuse to collect or cause to be collected and paid over to said organization dues and assessments aforesaid to the said District which dues and assessments have heretofore been paid over under a system designated as a check-off to seek to interfere with the program or policy of said 12th District in seeking to induce by peaceful means all men who work in the coal mines of this State to unite with said District Organization to attack the fund or treasury hereinbefore mentioned by various devices other than that of preventing its replenishment, to treat said fund or treasury as an illegal accumulation of funds by said District Union, all of which are contrary to the legal rights of the complainants and your orators believe that unless restrained by the Injunction of this Honorable Court that the measures aforesaid will be taken.

FORASMUCH, THEREFORE, as your orators are without remedy in the premises except in a Court of Equity your orators pray that the defendants, The Illinois Coal Operators Association, 5th and 9th Districts Coal Operators Association, Central Illinois Coal Operators Association, Black Star Coal Company, and all persons, firms or corporations engaged in the operation of coal mines in this State whose names are to these complainants unknown, their agents, attorneys, solicitors, and all acting in concert with them and all other persons whomsoever or groups of persons acting or threatening to act with like intent and purpose or to the same end may be perpetually enjoined and restrained by the order and injunction of this Honorable Court from declaring the existence of the said District Organization to be unlawful or from treating the same as such and from declaring or treating its purpose or purposes to be unlawful and from in any manner interfering with assessing, levying, charging and the collecting of dues and assessments heretofore levied or to be levied or charged upon or against the members of said District organization or any of them in the State of Illinois and from in any manner interfering with the said members or the coal owners or operators mentioned in this bill from paying the moneys so collected by them over to said District Organization or from refusing to collect or cause to be collected and paid over to said District Organization dues and assessments or from abandoning the check-off system now in effect between said 12th District and the members of said Operators Associations in said Bill named or from interfering in any manner in the peaceful persuasion of miners employed

in the coal mines of this state to join with the members of said District Organization in said Union or from attacking the validity of the accumulated fund now in the Treasury of said District Organization by means of attachment, suits to impound the same or any other means by which the full and free use of the said fund and treasury may not be available to the officers and members of said District Union in accordance with the Constitution and Laws of the said District Union or from in any manner treating the said fund or treasury as an illegal accumulation of funds by said District or from by any means whatsoever interfering with the replenishment of the said fund as the same shall be exhausted and as the same is now accomplished under the said agreement or from in any manner interfering with the disbursement of the said funds by the constituted officers of said District Union in the manner provided for in the Constitution Laws of said District Union and that your orators may have such other and further relief in the premises as Equity may require and to the Court shall seem mete.

May it also please the Court to grant unto your orators the People's Writ of Injunction enjoining and restraining the acts and things mentioned in the foregoing paragraph until the further order of the Court.

May it please your Honor to grant unto your orators the Writ of Summons in Chancery directed to the Sheriff of Franklin County, commanding him to summon the Illinois Coal Operators Association, 5th and 9th Districts Coal Operators Association, Central Illinois Coal Operators Association and Black Star Coal Company, if they may be found in your County to appear at the November Term of said Court, to be held in the Court House in the City of Benton, on the 28th day of November, 1921, then and there to answer this bill.

Frank Farrington,  
 Harry Fishwick,  
 Walter Nesbit,  
 Michael Pietzrak,  
 Joseph Macona,  
 George Stoffer,  
 Allan S. Haywood,  
 John Young,  
 Fullerton Fulton,  
 James Walker,  
 Dave Wilson,  
 William Hutton,  
 Hugh Willis,  
 David Babington,  
 Charles Grace,  
 Edward Dobbins,  
 and John Schultz.

By A. W. Kerr and W. P. Seeber,  
 Sols. for Complainants."

The injunction was issued, as prayed for, by the circuit court of Franklin County. Judge Charles H. Miller presiding, on October 5, 1921, and reads as follows:

Copy of  
WRIT OF INJUNCTION.

The People of the State of Illinois; to Illinois Coal Operators Association, 5th and 9th Districts Coal Operators Association, Central Illinois Coal Operators Association, Black Star Coal Company, and all persons, firms or corporations engaged in the operation of coal mines in this State whose names are to these complainants unknown, their agents, attorneys, solicitors and all acting in concert with them and all other persons whomsoever or groups of persons acting or threatening to act with like intent and purpose or to the same end,

GREETING:

You are hereby enjoined and restrained by the order and injunction of this Honorable Court from declaring the existence of the said 12th District United Mine Workers of America to be unlawful or from treating the same as such and from declaring or treating its purpose or purposes to be unlawful and from in any manner interfering with assessing, levying, charging and the collecting of dues and assessments heretofore levied or to be levied or charged upon or against the members of said District Organization or any of them in the State of Illinois and from in any manner interfering with the said members or the coal owners or operators mentioned in this bill from paying the moneys so collected by them over to said District Organization or from refusing to collect or cause to be collected and paid over to said District Organization dues and assessments or from abandoning the check-off system now in effect between said 12th District and the members of said Operators Association in said Bill named or from interfering in any manner in the peaceful persuasion of miners employed in the coal mines of this State to join with the members of said District Organization in said Union or from attacking the validity of the accumulated fund now in the Treasury of said District Organization by means of attachment, suits to impound the same or any other means by which the full and free use of the said fund and treasury may not be available to the officers and members of said District Union in accordance with the Constitution and Laws of the said District Union or from in any manner treating the said fund or treasury as an illegal accumulation of funds by said District Union or from by any means whatsoever interfering with the replenishment of the said fund as the same shall be exhausted and as the same is now accomplished under the said Agreement or from in any manner interfering with the disbursement of the said fund by the constituted officers of said District Union in the manner provided for in the Constitution Laws of said District Union, until a hearing of said Bill of Complaint in the Circuit Court of said Franklin

County, or until this Honorable Court in Chancery sitting shall make other order to the contrary hereof, failing not under the penalty of what the law directs.

To the Sheriff of Franklin County to execute and return in due form of law.

WITNESS, F. D. Whittington, Clerk of the Circuit Court of the County of Franklin and State of Illinois, and the seal thereof, in Benton, in said County, this 5th day of October, A. D. 1921.

Signed: F. D. Whittington,  
Clerk of the Circuit Court.

The above is submitted without further comment. We must now await eventualities.

### **Wage Scale.**

Considering the action of our International Convention, which decided to take no action on interstate wage scale matters until the Convention is reconvened, which, according to the action of the Convention, is to be done not later than February 14th, 1922, there is nothing that can be done by this Convention in the way of formulating a District Wage Scale policy, for the reason that a basic interstate policy must be formulated before we can intelligently proceed to formulate a district wage scale policy. Therefore, I recommend that this Convention dispose of all matters properly belonging to our regular District Convention, excepting wage scale matters, and that we then adjourn to meet again upon a date that will be suitable to give consideration to all wage scale matters. In the meantime I advise all our members to conserve their means to the fullest extent possible, both at home and in our local unions, so that we may be as well prepared as is possible to meet any condition that may confront us at the termination of our existing wage agreement.

### **Conclusion.**

During our deliberations every delegate will be given the greatest freedom, consistent with the rules of the Convention, to discuss all questions properly coming before the Convention.

So far as I know, your officers have nothing to conceal from you and as for myself, I know I have not. There is no reason why your officers cannot take you into their confidence and I know of no reason why you should not take them into yours, and all of us apply ourselves with diligence and mutual confidence to the problems coming before the Convention.

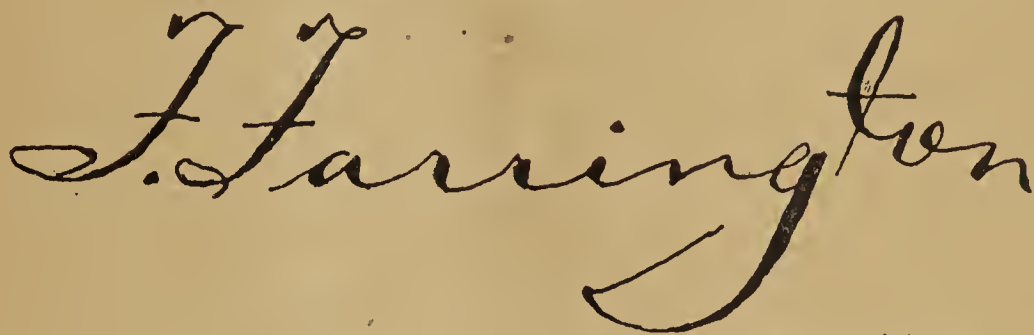
To my official associates I extend my sincere thanks for the help they have given me. Their advice has been indispensable and our relations have been pleasant and they have done much to lighten the burdens of my position.

To you, I say in all earnestness, that in preparing this report I have not sought to satisfy any political ambition. I am quite content to continue as your President and to cooperate with every officer and every member that will honestly work in a constructive way for the betterment of our Union, and on the other hand I shall continue to oppose, as best I can, those who resort to falsehood and deception to delude our membership and whose dominant traits are dishonesty, malice, arrogance, pomp and sham and who place their personal interest above the affairs and betterment of our Union. I shall do this because of the conviction that our Union cannot live and prosper when the policies of dishonest, selfish men prevail, and I shall be against all who are against the Illinois Mine Workers.

If you are in accord with my position as herein expressed, I solicit your cooperation and support. If you are not, then it is best for you that you select my successor, as I shall not alter my determination to oppose wrong in our Union, no matter where or in what form it may be found.

I express the hope that our deliberations may be harmonious and productive of much good for those whom we represent and to you, and through you to our membership, I express my profound appreciation of the splendid support given me and to all I express the desire that we may be united in thought and deed so that by our crystalized action we may bring more light and happiness into the lives and homes of those who make up the United Mine Workers of America.

Respectfully submitted,


 A large, elegant handwritten signature in cursive script, reading "J. Harrington". The signature is written in dark ink and features a prominent, sweeping flourish at the end of the name.

President.



3 0112 105340233





ILLINOIS MINE WORKERS' BUILDING  
4TH & MONROE STREETS  
SPRINGFIELD, ILLINOIS

Purchased July 1st, 1921, by District No. 12, United Mine Workers of America,  
Cost \$275,000.00